DOCUMENT RESUME

ED 368 583 SO 022 706

TITLE	Participant Guide to Close Up North Dakota.
INSTITUTION	North Dakota State Dept. of Public Instruction, Bismarck.
SPONS AGENCY	Amoco Foundation, Inc., Chicago, IL.; Burger King Corp., Miami, FL.; Close Up Foundation, Arlington, VA.
PUB DATE	92
NOTE	116p.
PUB TYPE	Guides - Classroom Use - Instructional Materials (For Learner) (051) -- Guides - Classroom Use - Teaching Guides (For Teacher) (052)
EDRS PRICE	MF01/PC05 Plus Postage.
DESCRIPTORS	*Citizenship Education; *Democracy; Law Related Education; Learning Activities; Secondary Education; Social Studies; *State Government; *Student Participation
IDENTIFIERS	*North Dakota; *North Dakota Close Up

ABSTRACT

This document is the 1992 guide for student participants in the Close Up program in North Dakota. The program is described as a citizenship learning adventure in which students are provided with opportunities to meet the state's leaders. In this program issues are covered from different sides, seminars provide detailed information, and meetings and discussion groups permit students to share ideas and gain new perspectives. In the program students learn about the political process by focusing on the executive branch of the state government. They get the chance to apply skills such as decision making, debating, and public speaking. This document is divided into five sections. The first is an introduction that includes a profile of the national Close Up program, descriptions of learning activities such as a trip to the nation's capital, and a citizen bee. The overview and goals of the North Dakota program, a map of the ground floor of the state capital, a directory of executive agency offices, and a program evaluation are included. The second section is the student guide. It includes information on planning for the state Close Up experience, student participant guidelines, how to prepare questions, and suggestions for corresponding with government officials. The third section describes the executive branch of the state government in detail. Thirteen specific positions and the office holder at the time are described. Section four describes boards and commissions. Section five consists of miscellaneous information about special interest groups, media issues, election of candidates, and open records and meetings. (DK)

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GUIDE 1992

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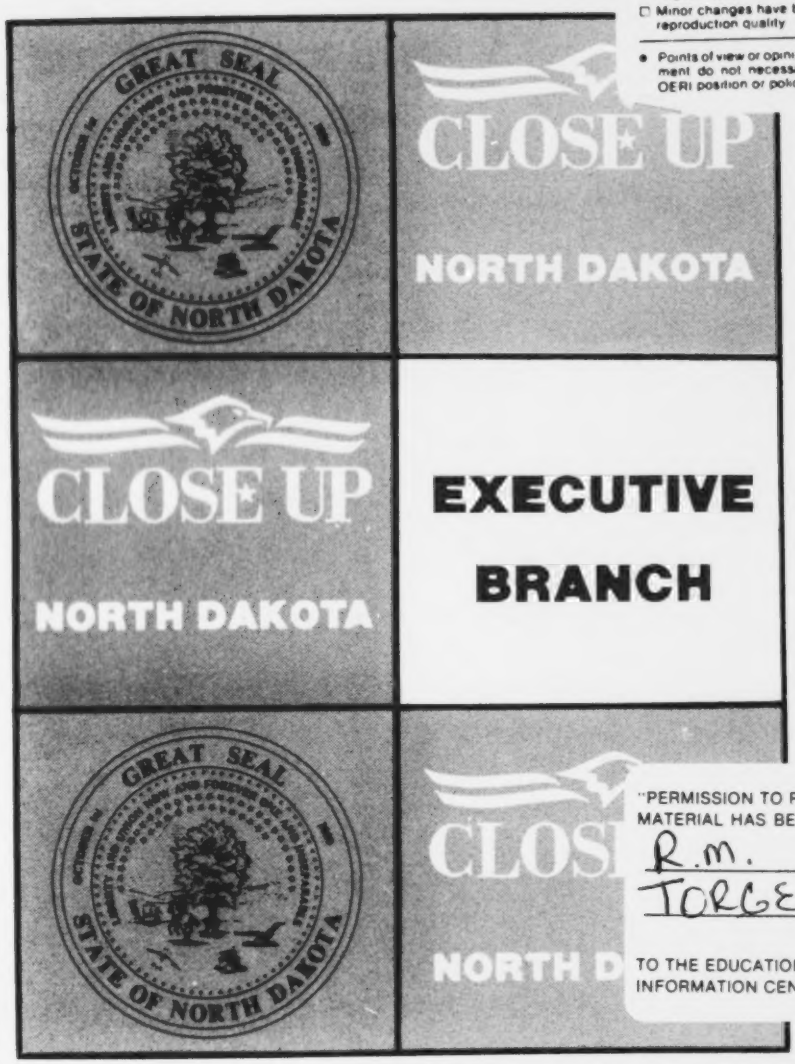

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Bismarck, N.D. 58505-0440

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This project is supported in part by a grant from the Close Up Foundation, the Amoco Oil Foundation, and the Burger King Corporation--a Partner in Educational Achievement.

Dr. Wayne G. Sanstead, North Dakota State Superintendent of Public Instruction (left), receives a check from J.C. Koller, manager of the Amoco refinery in Mandan, North Dakota, to go toward supporting the North Dakota Close Up Program. The seventh annual residential program, held February 10-12, 1991, focused on the legislative branch.

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GEORGE A. SINNER
GOVERNOR

State of North Dakota

OFFICE OF THE GOVERNOR
600 E. BOULEVARD — GROUND FLOOR
BISMARCK, NORTH DAKOTA 58505-0001
(701) 224-2200

January, 1992

Welcome to Close Up!

It is my pleasure to welcome you to the eighth North Dakota Close Up event. Your involvement in this unique and exciting program demonstrates your desire to learn more about the democratic process.

Come prepared. Use the Participant Guide to help prepare yourself for the 1992 Close Up experience. Watch the newspapers for articles on current topics selected for debate during the program.

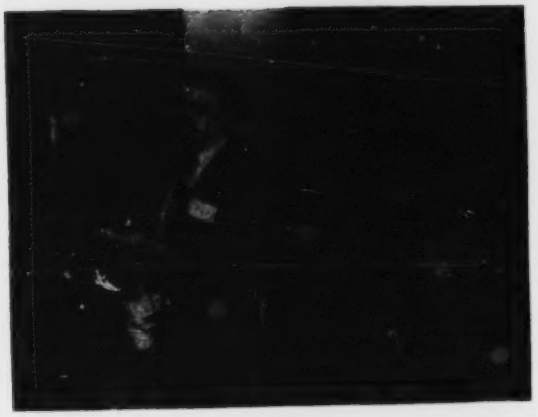
The success of the program depends on you. Not on how entertaining the speakers are or how tasty the food is. Become an enlightened, citizen capable of critical thinking. Get involved and participate! Close Up will enlighten you and provide you with useful information in the years to come.

Sincerely,

George A. Sinner

George A. Sinner
Governor

Attorney Dwight Kautzmann assists high school students as they begin the jury selection process, one component of the 1990 North Dakota Close Up study of the state's judicial system.



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ACKNOWLEDGEMENTS

We want to express our appreciation to our community sponsors: The Close Up Foundation, the Amoco Oil Foundation, and the Burger King Corporation for their financial support. Substantial corporate program grants, in conjunction with the support, encouragement, and enthusiastic response of leaders in education, private industry, and government, have made the 1992 North Dakota Close Up program a reality.

The Close Up teachers, advisory board members, group leaders and program presentors are to be acknowledged for their time, effort, and dedication to insure that the 1992 state experience is a success.

We are very grateful to everyone who dedicated their time and expertise to author the primary source articles and to the many people who offered their help and skill in the development of this publication.

Commendation must be given to the school boards and administrators who support the Close Up concept and make it possible for students and teachers to participate in the Close Up program. We are aware of the sacrifices in terms of time and money for curriculum, transportation, substitute teacher arrangements and schedule changes that are necessary for students and teachers to participate successfully in the Close Up experience.

We are grateful to the elected state officials for their contributions in the development of the 1992 participant guide and program planning.

Senator Quentin Burdick, Senator Kent Conrad and Representative Byron Dorgan have provided encouragement through their endorsement and support.

A special thanks to the Close Up Foundation and our national corporate sponsors. Through their generosity, funding is provided for national fellowships and program development. We are extremely fortunate to work with Mark Wise and other staff from the Close Up Foundation, all of whom have offered support, encouragement, and guidance.

Permission to use the Close Up name and logo and to reprint articles from the Perspectives was granted from the Close Up Foundation, Washington, DC.

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PREFACE

The Close Up Foundation subtitles its program in Washington, DC as ". . . a citizenship learning adventure . . ."! It is described as not only a learning adventure; indeed, it is called an adventure in personal growth.

Our experience in North Dakota is no less of an adventure. You will learn by being there. Opportunities will be provided to meet with our state's leaders. Both sides of issues will be uncovered. Seminars will provide detailed information. Meetings and discussion groups will permit you to share ideas and gain new perspectives.

This is only the beginning!! North Dakota Close Up will help you learn about the political process--you'll learn to separate fact from opinion. You'll be given the opportunity to apply such skills as decision making, debating, and public speaking. These skills will serve you well the rest of your life!!

Whether in meetings, during seminars, or at the socials, have fun! Let this adventure confirm your role as an active citizen of North Dakota and a lifelong adventurer into democracy!

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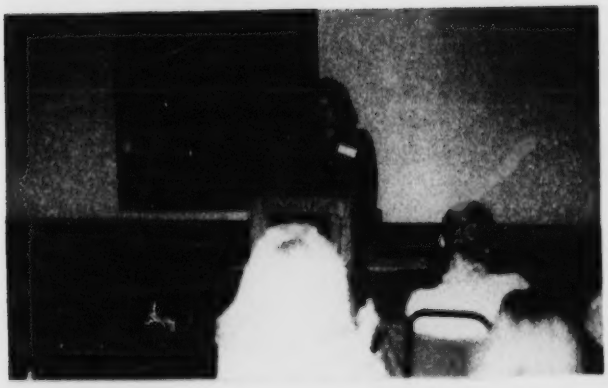
Section 1

Introduction



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THE STATE OF NORTH DAKOTA

Department of Public Instruction

600 E. Boulevard Ave. Bismarck, North Dakota 58505-0440

Dr. Wayne G. Sanstead, SUPERINTENDENT (701) 224-2260 Fax (701) 224-2461

January, 1992

GREETINGS!!!

For eight consecutive years, the Department of Public Instruction has been actively involved in sponsoring and promoting Close Up, a citizenship education program.

North Dakota Close Up is designed to assist young adults in learning about the intricacies of state government. Why? Because education plays a critical role in preparing students to make responsible decisions about their future involvement in the civic affairs of government. And . . . because learning through participation increases each individual's understanding of the democratic process. I firmly believe this will lead to a more informed citizenry and, therefore, a better, more responsive government for North Dakotans.

Take the challenge Close Up offers. It is the opportunity of a lifetime to see how YOU can make a difference.

I hope to see you as an active participant in February!

Sincerely,

Wayne G. Sanstead

Dr. Wayne G. Sanstead
Superintendent of Public Instruction

WGS:pkm

Close Up Thoughts

Close Up Programs: A North Dakota Definition

Close Up offers young people the opportunity to express their views and concerns—
Close Up challenges young minds—
Close Up encourages involvement in governing—
Close Up provides a vehicle to make government come alive—
Close Up creates an atmosphere that makes learning fun—
Close Up excites students and promotes leadership—
Close Up stimulates and refreshes teachers—

That is how Dr. Wayne G. Sanstead, superintendent of the North Dakota State Department of Public Instruction, defined the impact of Close Up on young adults, educators, and the future of government in a letter received in the Close Up office.

He was describing the sixth annual North Dakota Close Up program—a statewide event that drew 320 students and teachers in February 1990. In this year's program—which was coordinated by Irish Linnertz in the State Department of Public Instruction—participants focused on the judiciary system. With the help of local attorneys and judges, they conducted mock trials in Bismarck-area courtrooms, filling every role from jurors to prosecutors.

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You're approaching adulthood. You're making decisions now that will influence the course of your whole life—decisions about schooling, about your career, about your future. It's an exciting time filled with personal challenges and a world of opportunity.

CLOSE UP can help you explore those opportunities . . .

because CLOSE UP is not only a government studies adventure—it's an adventure in personal growth. During the weeklong CLOSE UP Program, Washington, D.C.—one of the world's most fascinating cities—is your classroom. You visit the halls and committee rooms of government and meet the men and women who influence the course of American history. You find out firsthand what's going on in America and the world—and how it affects your future.

In CLOSE UP, you learn through direct involvement and gain a real-world perspective on government and current issues. And you also gain a better understanding of *your* opportunities in one of the world's great democracies.

Talk with the Nation's Leaders—During daily seminars you'll have the opportunity to question senators, representatives, administration officials, reporters, lobbyists, and policymakers about what they do and where they stand on national and international issues. Some will be newsmakers whose names and faces you'll recognize; others will be behind-the-scenes experts in government and politics.

Uncover Both Sides of the Issues—Onsite Washington seminars give you the chance to challenge the experts—to ask the questions you've always wanted to ask about the major political issues confronting the nation and the world. Since seminar speakers represent both major political parties and a broad spectrum of viewpoints, the answers you'll get will often be conflicting, sometimes surprising, and always candidly informative. CLOSE UP encourages you to evaluate for yourself everything you see and hear, so that you can develop your own ideas and opinions about current issues. The speakers,

Senator Kent Conrad

CLOSE UP is experiencing the democratic process as an insider.

Learn by Being There—As a CLOSE UP participant, you'll take part in daily study visits to places such as the House of Representatives and the Senate, the Capitol, the Supreme Court, the Library of Congress, and various federal agencies. During scheduled independent activity time, you'll have additional opportunities to visit congressional offices and sit in on governmental hearings. As you witness the business of government taking place, the things you've read about in textbooks and newspapers will come to life. You'll begin to see government as a real and powerful process in which you can play a part.

NATIONAL PROFILE

in turn, will learn from you what young Americans think about their country and its problems and challenges.

Seminar Format—You'll take part in twelve to fifteen of these onsite seminars, each featuring a different "Washington expert" speaker. Seminars are thirty to sixty minutes in length and begin with a short introductory presentation by the speaker followed by a question-and-answer session.

Senator Quentin Burdick

CLOSE UP
FOUNDATION
Close Up Foundation
44 Canal Center Plaza
Alexandria, Virginia 22314
703-706-3300

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1989 Close Up students visit Representative Byron Dorgan in the U.S. Capital

Close Up Washington Programs

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44 Canal Center Plaza
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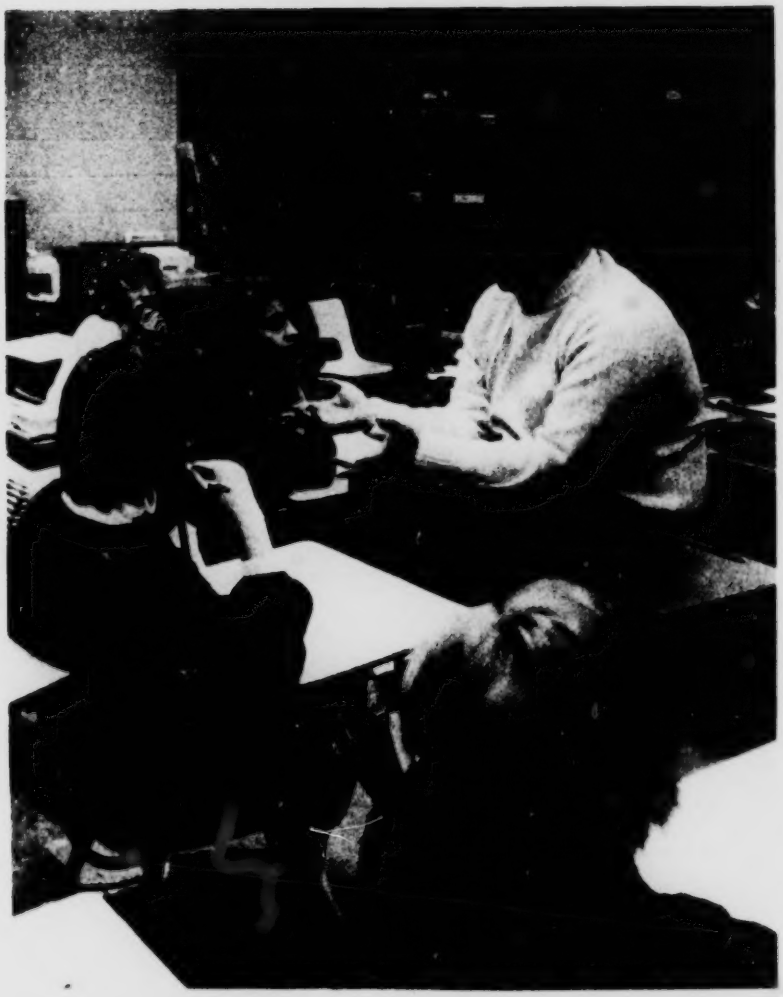
703-706-3300

The Citizen Bee



What can the Citizen Bee give you and your school?

- The opportunity to recognize your students' academic achievements
- Innovative activities to enhance social studies learning in your class
- New tools in the national drive to improve civic literacy
- The opportunity for students to participate in regional, state, and national competitions and win awards and scholarships
- Positive community attention for your school and students

The Citizen Bee

The Citizen Bee is a national civic education program and academic competition designed to deepen student understanding of U.S. history, government, geography, economics, and current events. More than 100,000 students took part in the 1991 Citizen Bee; this year, the program will reach schools in all 50 states, Washington, D.C., several U.S. territories, and a number of American schools abroad.

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Close Up

Civic Outreach

Civic Achievement Award Program

Benefits

- Generate excitement as students contribute to their communities
- Achieve curriculum goals in the social studies
- Provide opportunities for parent involvement
- Enhance your school's profile in the community
- Develop a solid base of knowledge of our American heritage
- Show students that citizenship means informed action
- Use an interdisciplinary approach to teaching responsible citizenship
- Build planning, research, and analytic skills

Established by:
United States Congress

Conducted by:
Close Up Foundation

Funded By:
Burger King Corporation, a partner in educational achievement

Approved by:

- National Association of Elementary School Principals
- American Association of School Administrators
- American Association of School Librarians
- Association for Supervision and Curriculum Development
- National Catholic Educational Association
- National Association of Secondary School Principals
- National Council for the Social Studies
- National Middle School Association
- National School Boards Association
- National Alliance of Black School Educators

The Roots of Our Support Run Deep...

CAAP and ***CAAP in Action*** give you the means and the materials to spark new interest in the social studies in 5th through 8th grade students. Build a solid foundation in civic education for your students through learning activities in U.S. HISTORY, GOVERNMENT, GEOGRAPHY, ECONOMICS, CULTURE, and CURRENT EVENTS.

Both programs are supplementary, easy to implement, and designed to enhance your existing curricula. Use them in any way appropriate for your classroom.

CONDUCTED BY the ***Close Up Foundation***, the nation's largest citizenship education organization, in cooperation with the National Association of Elementary School Principals.

You receive the following FREE materials:

- Resource Book for each student
- Instructor Manual for each teacher
- Mastery Tests
- Answer Guide
- Student Award Certificates
- Instructor Certificates

Fill out the Registration Form below TODAY!

CAAP and ***CAAP in Action*** are complete social studies supplements, and they both provide ALL the materials to implement the program at **NO COST**.

Registration Information

FREE *CAAP* and *CAAP in Action* materials will be distributed during the 1991/1992 school year on a first-come, first-served basis. Return the Registration Form below by October 15, 1991. Please make sure you complete all the information requested and send it back to the Close Up Foundation. Materials will arrive in the classroom in November (CAAP) and January (CAAP in Action). Each student receives a resource book to keep.

All materials are FREE!

QUESTIONS? Call Toll Free:
1-800-356-5136

NORTH DAKOTA STATE CLOSE UP: AN OVERVIEW

The North Dakota Close Up Experience is modeled after the National Close Up Program, which is held annually in Washington, DC. There, students from 50 states gather to learn how they can become involved in government and what government is all about.

The North Dakota Close Up Experience is based upon the belief that students need to have an understanding of the roles of state and local governments, of politics and law, and of the rights and responsibilities of citizens in a democracy if the American experiment in self-government is to survive.

NORTH DAKOTA STATE CLOSE UP GOALS

1. Promote future leadership activities and participation in the local community and in politics.
2. Increase awareness and understanding of the functioning of North Dakota state government.
3. Increase awareness and understanding of the issues facing North Dakota.
4. Increase interest in the politics and issues of the State of North Dakota.
5. Increase awareness and understanding of how special interest groups influence the policies of executive agencies.
6. Increase awareness and understanding of the media's role in government.
7. Increase communication between and among individuals from different schools and regions.
8. Provide current executive branch resources to all North Dakota Secondary Schools.
9. Develop academic and social skills through on-site learning and direct experiences.
10. Create an awareness of the unique characteristics and distribution of powers within the executive branch.
11. Provide teachers with experiences and technical resources to enhance their instructional programs.
12. Involve parents, teachers, government leaders, and the community in civic education.

ENDORSEMENTS

The National Association of Secondary School Principals endorses Close Up as one of its recommended activities. The North Dakota Department of Public Instruction, along with members of the North Dakota Close Up Advisory Board, heartily endorse this effort at both the state and national level.

Senators Kent Conrad and Quentin Burdick, along with Congressman Byron Dorgan serve on the Close Up Foundation's national board of advisors. Dr. Wayne G. Sanstead serves on both the state and national committees.

NORTH DAKOTA CLOSE UP ADVISORY BOARD MEMBERS

George A. Sinner, Chair
Governor of North Dakota

Dr. Wayne G. Sanstead, Superintendent
Department of Public Instruction

Rachael Disrud
ND Parents and Teachers Association

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ND Council of School Administrators

Senator Bonnie Heinrich
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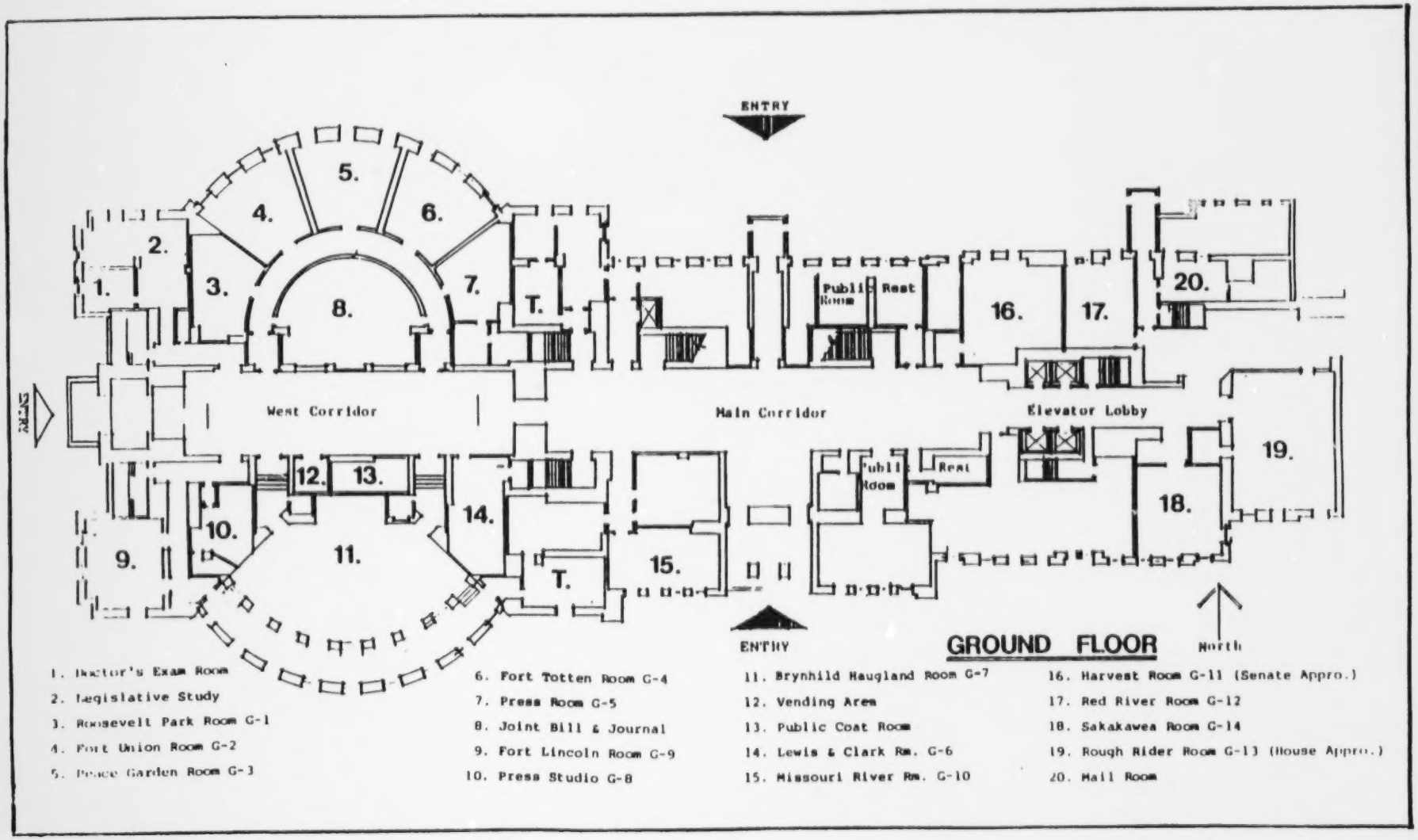

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DIRECTORY OF EXECUTIVE AGENCY OFFICES

State Capitol
Bismarck, North Dakota

First Floor	Office of the Governor	224-2200
	Lieutenant Governor	224-2200
	Secretary of State	224-2905
	Attorney General	224-2210
Third Floor	State Auditor	224-2241
	State Treasurer	224-2643
Fifth Floor	Labor Department	224-6140
	Insurance Commission	224-2440
Sixth Floor	Agriculture Department	224-2231
Seventh Floor	Tax Department	224-2770
Eleventh Floor	Superintendent of Public Instruction	224-2260
Twelfth Floor	Public Service Commission	224-2400

NORTH DAKOTA CLOSE UP
PROGRAM EVALUATION SHEET
STUDENT

This is the eighth North Dakota Close Up Experience. We need your help to improve the program for future participants.

Please evaluate the program by answering the following questions and add any comments which you think would make future programs even better. Additional space is available on the reverse side of this form.

You will be asked to tear out this form and give it to the Close Up staff during the final wrap up session on Tuesday morning, February 12.

1. Please describe one of the pre-activities in which you participated as a preparation for this state program:

   Was this pre-activity helpful to you in being able to more meaningfully participate in the state program? Why or why not?

2. Which activity or event did you find most helpful/interesting during this Close Up of the Executive Branch? Please explain.

3. Which activity or event did you find least helpful/interesting during this Close Up of the Executive Branch? Please explain.

4. After studying the suggested list of post-activities and selecting one or, having developed a post-activity of your own, please describe such an activity and tell us why this will help you "extend" this experience.

5. We need some general observations from you!

	Super	Good	Fair	Poor	Comments
A. The Close Up Guide:					
B. The speakers (your list): _____ _____ _____					
C. The accommodations:					
D. The trivia game:					
E. The group workshops:					
F. Overall, North Dakota Close Up:					

☐ STUDENT ☐ TEACHER

PROGRAM EVALUATION CONTINUED
STUDENT AND TEACHER

You will be asked to tear out this sheet and to hand it in to the Close Up staff prior to your departure in February. Please use this space to add any additional comments or suggestions to help improve the program for future participants.

Thank you for taking the time to complete the program evaluation.

PLANNING FOR THE STATE CLOSE UP EXPERIENCE

This PARTICIPANT GUIDE will prepare you to participate actively and successfully in the state Close Up Experience. Teachers and students who have attended previous Close Up programs strongly recommend that all participants be familiar with the format and content of the Guide. The fast pace of Close Up does not give you a lot of time to study. In fact, you can have a lot of fun and learn a lot more if you have some idea of what to expect.

First, a brief look at the format of this booklet. It is divided into five major sections:

1. Introduction--this section provides you with a National Profile of the Close Up Foundation and the goals of the North Dakota Close Up Program.

2. Student Guide--this section identifies participant responsibilities and offers some helpful hints for corresponding with government officials.

3. State Government--this section gives an overview of North Dakota State government, provides general information on the executive branch, and describes the major functions assigned to executive branch agencies and the Board of Higher Education.

4. Boards and Commissions--this section contains a partial listing of boards and commissions to demonstrate how the power of government is decentralized in North Dakota and to acquaint you with government entities unique to our state.

5. Miscellaneous Information--this section examines how government is influenced by the media and special interest groups. It also includes information on elections and open meeting laws in North Dakota.

IN ORDER TO PREPARE FOR THE 1992 EXPERIENCE, IT IS IMPERATIVE THAT STUDENTS DO EXPLORATORY WORK ON THE TOPICS SELECTED FOR DEBATE DURING THE EVENT. NEWSPAPERS, MAGAZINES, RADIO, TELEVISION AND THE PUBLIC LIBRARY ARE EXCELLENT SOURCES OF INFORMATION. ASK YOUR TEACHER TO BRING SPEAKERS TO THE CLASSROOM OR TO SCHEDULE VISITS WITH INDIVIDUALS, GROUPS OR ORGANIZATIONS FROM THE LOCAL COMMUNITY THAT HAVE EXPRESSED AN ADVOCACY OR OPPOSING VIEWPOINT.

There are several unnumbered pages located in the very back of the Guide to facilitate note-taking during the experience, or to jot down questions to ask presentors.

This guide is not meant to cover all the information about the executive branch of North Dakota government. We hope that it sparks your interest and helps you to actively participate in February.

STUDENT RESPONSIBILITIES

--Study the North Dakota Close Up Participant Guide
--Read state newspapers
--Listen and watch for information relating to local and state government
--Become knowledgeable about the role and functions of local and state government, media and lobbying
--Be knowledgeable about the information located in the Appendices of this booklet
--Be knowledgeable of expectations of participants involved in Close Up
--Agree to conditions listed on official Close Up forms
--Bring the North Dakota Close Up Participant Guide to Bismarck.

CLASSROOM/INDIVIDUAL ACTIVITIES

--Study local issues
--Complete research projects
--Organize and conduct debates
--Observe local government in action, e.g., school board, city commission, township board
--Conduct surveys of students and community members
--Interview legislators, community members, local government officials, lobbyists, and/or media personnel
--Invite a panel of government officials, media personnel and/or lobbyists into the classroom
--Conduct mock sessions, e.g., meetings of the city council, township, school board, or county commission
--Develop scrapbook(s) on issues and/or local and state government
--Research background information on the structure of state government.

STUDENT PARTICIPANT GUIDELINES FOR THE STATE CLOSE UP EXPERIENCE

In order to have the best possible Close Up Experience, a few rules must be followed by the students:

--Students are expected to cooperate at all times with teachers and the Close Up staff.

--Defacement or theft of property or facilities which Close Up utilizes is strictly prohibited.

--Possession and/or use of alcoholic beverages or illegal drugs by students is absolutely forbidden.

--The smoking of cigarettes is prohibited throughout the Close Up Experience.

--At no time are male students permitted to visit in female students' hotel rooms and vice versa.

--Students must be in their rooms at designated bed checks.

Infractions of these rules may result in immediate dismissal of the student from the program. In case of such a dismissal, the student's school and parents are notified and the student returns home, at the student's own expense, with no refund of any payments.

DAILY PARTICIPATION

Students are required to participate actively in all scheduled daily events except in case of illness. Students are expected to bring their guide to all scheduled activities. Students are responsible to be aware of the daily schedule and to be on time at all activities. Students may not leave the hotel or the group unless specific permission is granted by the teachers or the Close Up staff.

GENERAL GUIDELINES

The Participant Guide is to be used during all educational program activities.

Nametags - must be worn at all times.

Dress - casual dress is appropriate at all functions. You may wish to dress up for the Monday evening dance.

PREPARING QUESTIONS FOR THE STATE CLOSE UP EXPERIENCE

You can prepare some of your questions before your trip and then rework them to fit the occasion when you get to Bismarck. When formulating your questions, consider the following:

--the topic of discussion

--the speaker(s) and his or her areas of expertise

--what you really want to know--facts, definitions, opinions, relationships, emotional reactions, or evaluations

Factual Questions:	Ask for specific data about events or issues.
Defining Questions:	Ask the speaker to explain a concept, term, idea, or issue.
Opinion Questions:	Ask for the speaker's judgment without asking for a full evaluation.
Emotion Questions:	Ask for the speaker's feelings about a situation.
Evaluation Questions:	Ask for the speaker's judgment about a situation or statement and request reasons and facts to support this judgment.

--what a satisfactory answer would include.

Based on your preparation for Close Up--learning about governmental processes, examining issues, reading the newspaper, watching television news--jot down a few questions you have. Then write your questions in the note paper provided in the very back of this guide.

Think about each of your questions as you write them: Do you want to ask the speaker a factual question, or a defining question? Do you want to know the speaker's feelings or opinions? Do you want the speaker's full evaluation? You will get better answers from the speakers if you ask clear, thoughtful questions.

Close Up Experience Activity

When Close Up participants are asking questions, see if you can identify the question type--factual, defining, opinion, emotion, or evaluation. This will provide you with an idea of the answer that will be forthcoming. It may also assist you in rephrasing your question(s), if appropriate.

If the question you have formulated has been posed by other Close Up participants, you may elect to: 1) rephrase your question to seek additional information or clarification, 2) formulate new questions and indicate that in your notes, or 3) pass and indicate in your notes that the question had been asked by other participants.

DOS AND DON'TS WHEN CORRESPONDING WITH GOVERNMENT OFFICIALS

The following suggestions are offered by the North Dakota Congress of Parents and Teachers when writing to government officials.

A DOZEN DOS AND DON'TS

DOS	DON'TS
1. DO know your official's full name. Spell it correctly.	1. DON'T guess at the spelling of the official's name or his/her initials.
2. DO inform yourself about the measure of concern to you. Know what you are talking about.	2. DON'T guess at facts or base your letters on rumors.
3. DO use plain stationery or personal stationery.	3. DON'T use mimeographed or printed postal cards; they give no evidence that you can think for yourself.
4. DO use first class mail.	4. DON'T use form letters under any circumstances.
5. DO be concise.	5. DON'T be wordy.
6. DO be complete enough to give pertinent reasons and facts.	6. DON'T leave out essential details.
7. DO be sincere.	7. DON'T use insincere flattery or flowery terms.
8. DO be courteous always.	8. DON'T use threats--ever!
9. DO follow through. Let your official know you are watching his record with deep interest.	9. DON'T write letters of criticism or request only.
10. DO write a letter of appreciation whenever an official does something that meets your approval.	10. DON'T forget to write a thank-you letter.

All of these suggestions apply to all levels of government--federal, state and local.

Section 3

State Government
The Executive Branch
Agency Descriptions

STATE GOVERNMENT OVERVIEW

The North Dakota system of government is modeled after our federal system. Under our federal system states keep considerable power. The Tenth Amendment to the U.S. Constitution declares that states retain all powers (reserved powers) other than those denied or granted solely to the federal government (delegated powers). Therefore, since the federal government is responsible for national defense, treaties with other countries, coining money, etc., the states are without power in those areas. States do have broad jurisdiction in a wide range of other areas including criminal law, property rights, education, public health and welfare, highways and local government.

State government consists of legislative, executive and judicial branches.

1. Legislative Branch

   Like the federal Congress, our legislature proposes legislation, holds hearings and votes on proposed legislation. Unlike the Congress, our legislature is required by the North Dakota Constitution to take final action on each and every bill introduced. In the North Dakota legislature, a bill cannot be killed in committee. Both houses of the legislature must pass a bill in order for it to come to the Governor's desk to be signed or vetoed.

   During hearings on bills, the public may offer testimony directly to the committee either supporting or opposing the bill.

   When the bill comes to the Governor he may decide to sign it, not to sign it, allow it to become law without his signature, veto the entire bill, or he may veto a line item or items in appropriation bills only. If a bill is signed, it becomes law July 1 of that year. The legislature may pass an emergency clause by a two-thirds vote. In that case, the law becomes effective upon being signed. If the Governor vetoes a bill, the legislature may pass it over his veto by a two-thirds vote.

2. Executive Branch

   When a bill becomes law, it is generally the duty of the governor and the agencies under his control to implement those laws. The laws may pertain to other elected officials or the judicial branch, in which case those officials would implement the law.

   Because North Dakota has so many elected officials, more than any other state, the Governor's authority is somewhat diluted in that each elected official can set his or her own policies, rules and regulations, without the Governor's approval.

   In North Dakota only the Governor has authority to issue executive orders which have the force and effect of law. The Governor also has responsibility for compiling and submitting the budget for all of the executive offices in state government.

The governor can and does establish Commissions or task forces to study questions and make recommendations. The governor appoints officials to manage such agencies as the Department of Health and Consolidated Laboratories, Human Services, Transportation and others.

3. Judicial Branch

The judicial branch of North Dakota government interprets the laws passed by the legislature and signed by the Governor. The constitution of North Dakota provides for the election of judges on a nonpartisan basis. The debate about whether state judges should be elected or appointed is an ongoing one. The Judicial Branch is divided into four permanent courts: The Supreme Court, District Court, County Court, and Municipal Court. In 1987 a temporary Court of Appeals was also established. Only the Supreme Court and the District Courts are constitutional courts. All other courts in the state are statutory courts.

In the criminal justice system, the judiciary, or court system, has three general functions. First is the speedy determination of guilt or innocence of individuals who are charged with criminal offenses. The second function is the sentencing of those individuals convicted of crimes. Third is the protection of rights of the offender. The court accomplishes these functions by the trial of an accused offender.

THE EXECUTIVE BRANCH OF NORTH DAKOTA GOVERNMENT

The executive branch of government is one of the three separate and co-equal branches of government. It is the one branch of government that executes policy. It is also the branch that exercises leadership on a day-to-day basis in terms of not only implementing law but also formulating policy and responding to immediate problems. The legislature captures the attention of the public during the legislative session but it is the executive branch which is immersed in public issues for the long period between sessions. Members of the executive branch also represent state government in terms of our relations with other state governments and the U.S. government, as in the case of state representatives testifying before Congressional committees.

The governor, as chief executive, and other executives have a great deal of power; that is, they are empowered to make decisions which affect the entire political community of the state, and to determine the composition of the government of the state. However, the executive branch operates within a system of constraints and restraints. These may be constitutional, statutory, cultural, and political. Most restraints insure that the governor can act only with the concert of other elected officials or with some coordinated activity on their parts. Checks and balances operate throughout the system. Constitutional restraints also place limits on what executives may do.

In terms of constitutional and structural restraints, the most obvious feature of North Dakota's system is the fact that the state's voters elect some 12 state officials separate from the Governor and the Lieutenant Governor. These include the Secretary of State, the Attorney General, the State Auditor, the State Treasurer, the Insurance Commissioner, the Tax Commissioner, the Commissioner of Agriculture, the Commissioner of Labor, the Superintendent of Public Instruction, and three Public Service Commissioners. These executives are not responsible to the governor and make policies for their own departments and administer the laws as they see fit in the fields which the legislature assigns to their departments. In many other states, many of these offices are appointed by the governor and occupants may be removed by the governor as he/she sees fit. In a 1975 study, North Dakota was ranked 39th among the 50 states in the power of the governor to control appointments of vital state offices.

Four-Year Terms

Almost all North Dakota state officials are elected for four-year terms in presidential election years. The exceptions are the public service commissioners and the labor commissioner. The public service commissioners have six-year terms because there are three of them and one comes up for election every two years. The labor commissioner is elected in the nonpresidential years because that office was started in 1966, a nonpresidential year. The terms of elected officials begin on January 1 following their election, except since 1988, the terms of the governor and lieutenant governor began on December 15 following their election.

The governor and lieutenant governor are elected as a team with voters casting one vote for both. To serve as governor or lieutenant governor a person must have reached the age of 30 and have lived in North Dakota the five years immediately before election.

Governor's Power

The governor's powers are enhanced when the other elected officials are of the governor's political party; they are impaired when the other elected officials are predominantly members of the opposition party. Governor George Sinner, the present governor, has the luxury of a compliment of elected officials that are largely of his own party. There is no guarantee that elected officials will follow gubernatorial direction even though they may be members of the governor's party. For instance during the 1987 session, the differing views of the governor and the superintendent of public instruction on state funding projections for the state's elementary and secondary schools was public knowledge. The superintendent of public instruction had a constituency to protect and a commitment to quality education. The governor had a commitment to balancing the budget and to keeping tax increases to a minimum in difficult economic times. In a sense, the fact that these high political officials won their position by election provided a check and balance that allowed for an accommodation of different political interests, both of which were legitimate.

Appointments

An important part of a governor's powers are his/her appointment and removal powers. He/She does make such important appointments as the Director of the Office of Management and Budget, the State Highway Commissioner, the Superintendent of the Highway Patrol, the Game and Fish Commissioner, the Director of Parks and Recreation, the Director of Human Services, and the State Health Officer. The governor can thus be seen as head of an executive team. The governor also has the power to fill vacancies through appointment. This can include vacancies in elective offices. Thus the governor was able to fill the vacancy in the Lieutenant Governor's office that occurred in March 1987. He is also able to fill judicial vacancies. For instance, the present Supreme Court has four of its five members who were originally appointed by the governor (two by Governor Allen Olson, two by Governor George Sinner). When a vacancy occurs, a Judicial Nominating Committee consisting of members appointed by the Governor, the Chief Justice, and the State Bar Association meet to consider applicants and nominees and they provide the governor with a list of persons from which to make a choice.

Boards and Commissions

The governor is also empowered to appoint the majority of members on some 100 different boards and commissions. Again, executive powers are limited by other checks. Many of the boards and commissions must include members from different associations or professions. The governor makes the appointments but the appointments must be made from recommendations made by associations recognized in statutes. For instance, the State Health Council determines Health Department policy. The governor appoints the eleven members but one member is from nominations provided by the North Dakota Medical Association, one from nominations provided by the North Dakota State Hospital Association, one from nominations by the North Dakota State Nurses Association, and so forth. This pattern is repeated for many of the state's boards and commissions. What this

implies is more checks and balances. The governor is directed to be sensitive to the needs and interests of certain groups.

One area where a substantial check is put on the governor's appointment powers is in appointments to the State Board of Higher Education. Here the appointments are considered important enough that they must receive confirmation by the North Dakota Senate.

Many of North Dakota's boards and commissions, especially the important ones, also exhibit a requirement of checks and balances. Intrabranch representation insures that no one elected official can dominate the decisions assigned to the board or commission. For example, the State Investment Board which determines where the monies of the many state funds which are kept in trust (e.g., State Bonding Fund, Teachers' Retirement Funds, Worker's Compensation Fund) shall be invested is composed of the Governor, the State Treasurer, the State Land Commissioner, the Insurance Commissioner, the Executive Director of the Worker's Compensation Bureau, and representatives of teachers and public employees. As one can see, North Dakotans are very cautious in how their public monies are managed and are loath to see any one person exert control over funds. See the Table of Contents for more information on state boards and commissions.

Political Checks and Balances

All states exhibit a check and balance between the legislative branch and the executive branch in terms of the process of lawmaking. The governor has a major role in the passage of legislation. Before each session, the governor communicates to the legislative assembly the "state of the state" address in which problems and suggestions are outlined for the legislature's reaction. The governor can also recommend specific legislation. Finally, the responsibility for analyzing and preparing the budget of the state for the next two years, establishing priorities, and assessing revenues and expenditures, rests with the governor. Based on these projections, the legislature draws up its appropriation and tax bills.

In these functions the governor has a real presence in the legislative process even though in a separate branch of government. The governor, of course, has a direct role in legislative outcomes because of the veto power. All bills passed by the legislature are forwarded to the governor for approval or disapproval. If disapproved, the bill is returned to the legislature and it then requires a vote of two-thirds in each house to pass the bill over the veto. In effect, the governor's veto power gives a vote equal to two-thirds of the entire legislature. The governor in North Dakota also has the power of the "item veto" which allows vetoing of individual items in an appropriation bill while still approving the bill's other sections. Appropriations bills are usually drafted in such a manner that an item veto would entail disapproval of an entire agency budget.

There are checks upon the governor's legislative actions. A provision of the North Dakota Constitution makes it clear that the governor can not use any threats, or bribes, or any promise to induce a member of the legislature to vote in a certain manner. A North Dakota governor can not even use the threat of a veto to sway the legislature in getting it to draft legislation to his/her liking. There also is a custom of strong disapproval of a governor "standing behind the rail" while the legislature is conducting its business. The

governor is well advised to stay out of sight when the legislature is considering the governor's suggested measures.

Governors, of course, work with the legislative leaders of their own party to draft and sponsor legislation and work for its passage. They can also attempt to mobilize the legislative members of their own party through the legislative party "caucus," an informal meeting of the members of a particular party's legislative members.

While the governor's budget and tax and revenue proposals represent the opening of the law-making process, leaders and members of the North Dakota legislature are prone to say that "We are the policy-making branch of government." In fact, after the governor presents the budget and proposals, members of the political opposition in the legislature are likely to propose significant amendments. The final shape of the budget has, in most sessions, been a compromise between the governor and the opposition party.

Federal Checks and Balances

Each state is a sovereign and independent political entity, but it is also a member of these United States. As a result, national interests, United States constitutional principles (as voiced by the U.S. Supreme Court) and federal statutes and regulations govern the actions of members of North Dakota's executive branch. The Supremacy Clause of the U.S. Constitution indicates that the United States government is supreme over state law in those areas where the federal government has the authority to pass laws. The Supremacy Clause also applies to federal regulations. A federal regulation has the same force of law as an act passed by the Congress of the United States.

In terms of statutes, there are a number of statutes that directly govern the actions of executives and many relate to the 14th Amendment protection that "no state shall deny to any persons within its jurisdiction equal protection of the laws." To this end states and state executives must conform with the Civil Rights Act of 1964 and its 1972 Amendments (which prohibit any discrimination as to race, color, national origin, or sex). They must adhere to the Age Discrimination in Employment Act (ADEA), the Equal Pay Act, and the Rehabilitation Act of 1973 which prohibits discrimination in employment. The importance of these statutes is not so much that they require the states to provide equal protections to persons, but that they articulate the specifics by which the states must conform to the 14th Amendment.

State agencies are also subject to federal statutes and regulations if the state receives funds from the federal government. As a condition of receiving those funds, the state must comply with federal standards, eligibility requirements, and qualifications. Perhaps the greatest area of federal compliance comes in the human services area where the state actually administers federal programs as Aid to Families with Dependent Children, Medicaid, or the Food Stamp Program. Other areas where the state receives federal monies and must closely follow federal regulations are in vocational rehabilitation programs, and education programs funded by the federal government and administered by the Department of Public Instruction. The Highway Department must also closely conform to federal directives in terms of its maintenance of the state highways, particularly the interstate network.

Another area where federal regulation and supervision has increased has been in the area of persons and wards under the state's care and protection. Federal courts have increasingly stepped in to protect the rights of patients and residents of the State Hospital, and the Grafton State School, and the group homes established by the state for the developmentally disabled. The federal courts have issued directives and established mandated goals to insure that the fundamental needs of these persons under the state's care are met.

Cultural and Economic Checks

The governor and other state executives must act in relation to political realities and the political culture of the state. That is, they must act in conformity with the expectations of the state's citizenry in terms of how government is run and how it should serve them. North Dakota is a rural state whose inhabitants exhibit a strong work ethic and who are very insistent that government officials are honest, fair, open, and above-board in all their decisions. One example of our citizenry's expectations is their strong support of the state's Open Meeting Law. This means that all meetings of any official bodies of the state must be open to the public and to the press. Thus, decisions of boards like the Industrial Commission or the Investment Board must be made in the open. All deliberations take place in a fish-bowl atmosphere. Our state's citizens exhibit what political scientists call a moralistic political culture.

North Dakotans also show strong equalitarian tendencies. They want government services to be readily accessible even in rural areas and they want an equal distribution of what government can provide throughout the state. Thus, educational services or health services considered vital must be readily available in every region. It becomes very difficult and politically unacceptable for state executives to make a decision which will close a local college or deny a particular community the permit it needs to build a local nursing home. Executive decisions must insure that no part of the state is neglected. It also has been difficult to centralize certain of the state's services and functions. Attempts to set up regional correctional facilities or regional human services centers meet with opposition because they threaten the vitality and activity of local county seats. Executives thus are forced to be sensitive to local interests, to counties, to concerns in both the eastern and western parts of the state.

Finally, the governor and other executives must be sensitive to the ideas that the citizens of the state have in regard to fiscal matters. North Dakota citizens want their tax monies to be spent wisely and to be kept at a minimum. Older North Dakotans experienced the Great Depression which lasted from 1930-1940 and left a majority of the state's citizens in poverty. Present North Dakotans also see an agricultural recession which has forced many farmers and ranchers off the land. They are quite unsympathetic to large government expenditures and to high salaries for state executives and state employees when times are economically difficult for many. Finally, their depression experience has instilled in them a respect for both frugality and for saving. As many older North Dakotans would say, "It is good to have a full root cellar." This feeling, a root cellar mentality, has been translated into citizen expectations of our politicians and executives. The state cannot be allowed to go into debt (and that itself is mandated in the state constitution). Executives are expected to be frugal. If sums in their accounts are not expended by the end of the fiscal year, they must be turned back to the general fund of the state.

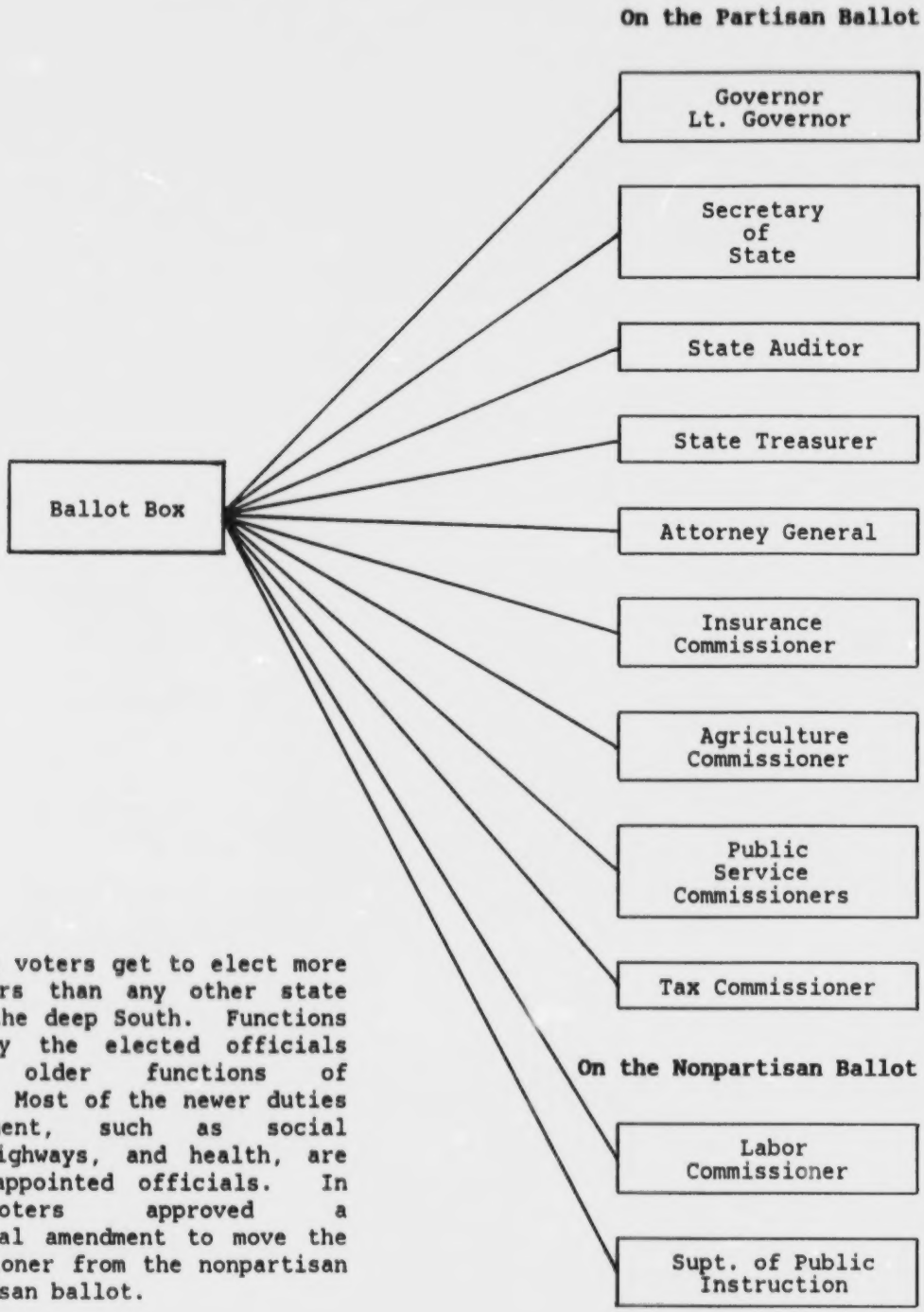
Executives who turn back sums are held in higher regard. The best sign of the state's financial and political health is a healthy balance to carry over into the next biennium. This also provides the opportunity to reduce taxes. On the other hand, a low balance mandates frugality, the cutting of budgets, and the deferral of new projects or raises for public employees. In any case, consideration of the state's fiscal situation is often controlling in terms of what executives are able to propose or to accomplish under approved programs. It also controls the legislature. More often than not, the final decisions that a legislature makes in regard to the state's budget and to its tax policies wait for new projections and assessments of the state's economy.

So far we have discussed the extent to which different factors limit the governor or other elected officials to control and administer the government and to fulfill their constitutional functions. However, as officials in a rural state of small population, they nevertheless enjoy advantages that governors and executives of urban and industrial states do not have. As Joseph Schlessinger has observed, in a state with no large cities and with no large industries, there is no more important figure than the governor. In an industrialized state of high population, mayors of large cities, heads of labor unions, corporate executives of large national corporations, political party bosses, and media spokespersons compete with the governor. The governor of a state like North Dakota also works with a political and economic elite that is small in numbers and interrelates on a very personal, almost intimate basis. It is possible for the governor of North Dakota to be personally acquainted with every legislator, every state official, every representative of local interest groups. This personal dimension of politics in our state allows for leadership to be exercised in such a way that governors can be effective irrespective of the constitutional and political constraints placed on them. Similarly other state officials become acquainted with almost all the people in the state who may be in some position to formulate legislation, provide input, influence policy, implement their policies, or review their performance. They are more able to make their policies effective through personal contact.

Submitted by Dr. Theodore Pedeliski, Political Science Department, University of North Dakota.

Governor George Sinner presents his budget message to the Legislature

VOTERS ELECT STATE OFFICIALS



North Dakota voters get to elect more administrators than any other state outside of the deep South. Functions performed by the elected officials are the older functions of government. Most of the newer duties of government, such as social services, highways, and health, are headed by appointed officials. In 1986, voters approved a constitutional amendment to move the tax commissioner from the nonpartisan to the partisan ballot.

Taken from the 1987-89 Governing North Dakota and the Constitution of North Dakota, Lloyd Omdahl, Bureau of Governmental Affairs. University of North Dakota.

Governor George A. Sinner (R) and Lt. Governor Lloyd Omdahl

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GOVERNOR AND LIEUTENANT GOVERNOR
Governor George A. Sinner and Lieutenant Governor Lloyd Omdahl

Qualifications for Office:

30 years of age
Qualified Elector
Must reside at the Seat of Government
Must have a minimum of five years residency in the state
Four-year term

OFFICE OF THE GOVERNOR

Introduction

As North Dakota's Chief Executive, the Governor dictates the management style for most state agencies and serves as the chief policy maker and spokesman for North Dakota state government. While the Constitution makes the governor responsible for the government of the state, it strictly limits the ability to exercise executive authority independently. This is achieved by decentralizing the Executive Branch of government. North Dakotans elect fourteen independent officeholders. They carry out the various programs of their offices according to their constitutional mandate and the will of the people, not necessarily according to the will of the head of the Executive Branch--the governor.

This makes being governor of the State of North Dakota a difficult job. The governor does not have complete authority over the Executive Branch or the administration of state government. However, the governor does control key departments of government.

Banking and Financial Institutions

The Commissioner of Banking and Financial Institutions is responsible for the organization and regulation of all state financial institutions excluding the Bank of North Dakota. This department is charged with the responsibility of examining all financial institutions within its control and the Bank of North Dakota.

Corrections

Created by an act of the 1989 legislature, the Department of Corrections and Rehabilitation includes jurisdiction over the state penitentiary, the state farm, probation and parole, state training school, state youth authority and a community-based rehabilitation program.

Economic Development and Finance

Created by the 1991 legislative assembly, the new Department of Economic Development and Finance consists of three major parts--a science and technology corporation governed by a board of seven members, an economic development finance corporation governed by a board of seven members and a division for marketing and technical assistance. The legislation also directs all agencies involved in economic development in the states eight regions to share office space so that they are all located together. The head of the department is appointed by the governor.

Game and Fish Department

Provides for the propagation, distribution, protection, regulation, and conservation of the state's game and fish. The department issues hunting and fishing licenses; establishes and manages fish hatcheries and game and management areas; enforces hunting and fishing laws; promulgates rules and regulations as deemed necessary for the welfare of the game and fish populations of North Dakota.

Health and Consolidated Laboratories

The State Health Officer serves as the chief administrative officer of the Health Department. The department is responsible for maintaining the public health laboratory; environmental control services; health planning activities; and a series of public health services--dental health, disease control, health education, health facilities, maternal and child health, nursing, and statistical services.

Highway Patrol

The members of the North Dakota Highway Patrol have limited powers as peace officers. Generally, jurisdiction is limited to the state highway system except in certain specialized areas. Patrol officers are authorized the power of a peace officer on all state, charitable and penal institutions and on the state capitol grounds. In addition, the Patrol may exercise general police powers for all violations of law committed in their presence upon any highway, or when in pursuit of any actual or suspected law violation. The patrol is responsible for the enforcement of Public Service Commission motor carrier laws, rules and regulations, and for conducting all drivers license examinations in the state.

Human Services

The Department of Human Services assumes the functions, duties, powers and control of the following agencies: 1) The Regional Human Service Centers; 2) the Governor's Council on Human Resources; 3) the Division of Mental Health and Retardation, (including the State Hospital); 4) the Division of Alcoholism and Drug Abuse; and 5) the State Council on Developmental Disabilities and 6) the Development Center in Grafton. The department assumes the role as the official state agency for the administration of federal, social and rehabilitation programs in the areas of community services, vocational rehabilitation, medical services, and economic assistance.

Job Service

The Executive Director of Job Service supervises the unemployment compensation program and the state employment services. Job service develops and monitors programs for the following services: 1) job placement, 2) employment counseling, 3) occupational testing, and 4) food stamp registration. It also develops programs of specialized services for veterans, the handicapped, older workers, youth, minorities, the economically disadvantaged, and migrant and seasonal farm workers. It gathers wage information and collects tax contribution from employers subject to the North Dakota Unemployment Compensation law and pays weekly job insurance benefits to unemployed workers.

National Guard and Adjutant General

The Adjutant General is responsible for the supervision of all arms and military stores. He also supervises all branches of the state militia and organizes the state guard. He acts upon the instruction of the governor who is commander in chief of the military forces of the state.

Office of Management and Budget

The Office of Management and Budget is vested with the control and supervision of the fiscal administration of the Executive Branch of North Dakota state government. As established by statute, the Director of the Office of Management and Budget is ex officio director of the budget for the state; is responsible for the Divisions of Accounting and Payroll, Information Services, Central Personnel, Printing, Purchasing, Facilities Management, and the Office of Intergovernmental Assistance. The director also supervises State Radio Communications and Surplus Property.

Parks, Recreation and Tourism Department

The Parks, Recreation and Tourism Department consists of two major divisions, parks and tourism, each headed by a director. The parks division is responsible for the operation and maintenance of the entire North Dakota park system. The Parks and Recreation Division also obtains, maintains, manages, and restores land in its natural conditions under the Nature Preserves Program authorized by North Dakota Century Code, Chapter 55-11. The Tourism Division promotes tourism in North Dakota by publicizing attractions, sites and tours.

Securities Commissioner

The major role of the Securities Commissioner is to protect the investing public in North Dakota including the sale of franchises. The Commissioner regulates all securities offered and sold in this state, as well as the salesmen and companies dealing with these securities. The Commissioner also conducts investigations and brings criminal actions against violators of the state's securities law.

Transportation

The department is administered by a Transportation Commissioner and is responsible for the planning, construction, maintenance and protection of the state highway system which includes over 7,000 miles of road. The department also enforces truck size and weight limitations and truck registration laws, conducts all drivers license examinations, administers the issuance of drivers licences, promotes highway safety and administers the Motor Vehicle Department. The Department of Transportation is responsible for issuing photo drivers licenses and permits, maintaining records of driving violations, and suspending or revoking driving privileges when necessary and registering all vehicles licensed in the state. The State Fleet Services are under the auspices of the Department of Transportation.

Worker's Compensation Bureau

The bureau is managed by an Executive Director appointed by the governor. As administrator of the North Dakota Worker's Compensation laws, the bureau collects premiums from employers and adjusts rates for each category of jobs to provide sufficient funds to pay for job-related injuries and illnesses. The Bureau provides workers compensation for eligible injured employees; cooperates in making arrangements for rehabilitation of persons injured on the job; inspects businesses for compliance with safety rules and regulations; classifies employment with respect to degree of hazard; and determines risks involved in the various classifications. The bureau also administers the

Uniform Crime Victims Reparations Act, North Dakota Century Code Chapter 65-13. This legislation provides compensation to innocent victims of criminal attack who are not adequately covered by insurance.

Executive Order

Besides boards, commissions and task forces initiated by the legislature, the governor has the authority by executive order to create boards and commissions and task forces. By executive order the governor has the authority to issue emergency disaster directions to aid in disaster relief, quell riots and maintain peace when necessary.

The governor also has authority by executive order to assign responsibility to the lieutenant governor such as chairing boards and commissions, delegated to the governor by law. The governor also has the authority to rescind executive orders made by a previous governor.

Summary

The job of governor requires a complex blend of talents and skills. First of all, the governor is an administrator with control over much of the state's budget. Secondly, the governor is a coordinator. The influence of the position allows the governor to bring various groups and individuals together, encouraging them to work together for a common goal.

The governor is a manager, with responsibility for personnel and the operation of several agencies; commands the state's militia, or the National Guard, when they are not in the service of the federal government; and acts as the state's ambassador to other states and, in many cases, to foreign governments.

The governor has another influential method of focusing attention on priorities. At the beginning of each legislative session, the governor communicates the condition or state of the state to the Legislative Assembly. This is one method of formulating and communicating proposals for public policy. Once the legislature is in session, the governor helps provide information from the agencies of the executive branch on bills being considered.

Inasmuch as most of the programs enacted by the legislature are carried out by agencies in the executive branch, this information and cooperation can be invaluable.

The governor's role, like that of the entire executive branch, is one of communication, coordination and cooperation. The governor definitely holds a leadership role in defining the condition and priorities of the state both through the executive budget and the State of the State message. When added to the veto power, these functions make the governor an important participant in the legislative process.

Boards and Commissions

Among the many state commissions chaired by the governor are the Capitol Grounds Planning Commission, the Emergency Commission, the Indian Affairs Commission, the Industrial Commission, Investment Board, State Water Commission, Board of Equalization and the Pardon Board. Since the governor is unable to personally attend all committee and commission meetings, some are assigned to the lieutenant governor.

In conjunction with the Board of Pardons, the governor has authority over such matters as extradition, pardons, reprieves, and commutation of sentences, except in cases of impeachment or treason.

Submitted by the Office of the Governor

(For additional information on the office of the governor, refer to the "Executive Branch of North Dakota Government" submitted by Dr. Theodore Pedeliski for the Close Up guide.)

OFFICE OF THE LIEUTENANT GOVERNOR

The Lieutenant Governor is elected for a four-year term on a joint ballot with the Governor. The Lieutenant Governor is the presiding officer of the Senate and votes only in the case of a tie. Frequently, the Lieutenant Governor is called upon to represent the Governor at state and public functions. Anytime the Governor travels beyond the state's borders, the Lieutenant Governor becomes acting Governor with full executive authority. In case of death or resignation, or any other time the Governor is unable to perform assigned duties, the Lieutenant Governor assumes the position of Chief Executive.

At present, the Lieutenant Governor has been assigned responsibility to serve as chair of the North Dakota Centennial Trees Commission, Emergency Commission, State Water Commission, Welfare Reform Advisory Committee, Supported Employment Advisory Committee, Wetlands Management Coordinating Committee, Human Services Advisory Committee, Board of Equalization, the Capitol Grounds Planning Commission, the State Investment Board, the Children's Services Coordinating Committee, and the Yellowstone-Missouri Fort Union Commission. Often, the Lieutenant Governor substitutes for the Governor in handling other executive duties, such as chairing meetings, giving speeches, and greeting visiting delegations.

Submitted by the Office of the Lieutenant Governor

SECRETARY OF STATE
James Kusler

Qualifications for Office:

25 years of age
Qualified Elector
Four-year term

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SECRETARY OF STATE

Introduction

The secretary of state is one of few state officials, executive or judicial, whose office was established by the Organic Law of March 2, 1861 providing for government of the Territory of Dakota. The secretary of the territory was appointed by the President of the United States.

The Constitution of North Dakota, adopted October 1, 1889, has since provided for the election of the secretary of state. In addition, the constitution provides for specific duties under Article III, Powers Reserved to the People; under Article V, the Executive Branch; and under Article IX, Trust Lands. Almost 500 specific statutes and about a dozen legislative rules further provide for duties that must be completed by the secretary of state. The duties, as assigned, have been briefly summarized by functions below. The following includes statistical and fiscal data of the office.

Major Functions

CONTRACTOR LICENSING. The secretary of state's office administers the contractor licensing law. The office processes all documents including the application, bond, and worker's compensation statement. Four classes of licenses are issued based upon the value of each contract the contractor will be completing. Each licensed contractor must renew their license by February first each year for a fee equal to twenty percent of the original license fee. Contractors who fail to renew their license by the deadline may renew their license up to May first by paying the renewal fee and a penalty fee. No licenses can be renewed after May first.

CORPORATIONS. The secretary of state reviews and processes proposed articles of incorporation or applications for certificate of authority submitted for domestic and foreign corporations, domestic and foreign nonprofit corporations, and domestic and foreign cooperatives, and professional corporations to assure the propriety and protection of the public interests according to law. This division also reviews and processes documents for: state banks, state credit unions, lodges, fraternal organizations, churches, mutual aid cooperatives, electric cooperatives, telephone cooperatives, regional airport authorities, insurance companies, savings and loan associations, investment trust companies, irrigation district authorities, vector control districts, city letters patent or incorporation of the cities, city home rule charters, county home rule charters, municipal power agencies, limited partnerships, fictitious name certificates, trade names, trademarks, soil conservation districts, cooperative grazing associations, emergency housing corporations, building and loan associations, and farm corporations.

UNIFORM COMMERCIAL CODE. The secretary of state reviews and processes uniform commercial code filings and related documents which protects collateral of secured parties, (banks or lending agencies) covered by the papers; files states tax liens against personal property and federal tax liens against individuals, partnerships, or corporations.

Such filings are terminated when requested by the second party. Financing statements are effective for five years and can be continued for five-year periods indefinitely. Financing statements that have expired and not continued are pulled from the files according to law. Individuals can request information on any or all financing statements on file concerning any debtor.

ELECTIONS. The secretary of state serves as the state's chief election officer. The major duties include:

1. Certify to county auditors the state, district, and county officials to be nominated or elected in the primary, general, or special elections.

2. Receive and file nominating petitions of candidates for state office.

3. Receive and file certificates of nomination or certificates of endorsement for congressional or state office candidates.

4. Certify to county auditors the names of candidates to be on the ballot for the primary, general or special elections.

5. Process and certify constitutional, initiative and referral petitions. The secretary of state must approve the petitions as to form before the petitions are circulated. Upon receipt of the filed petitions, the secretary of state has thirty-five days to approve the petition question for ballot placement. During that time, postcards are sent to the petition signers, or phone calls may be made, to validate the signatures.

6. Certify the complete text and ballot wording of constitutional, initiated, or referred measures that are to be placed on the ballot.

7. Send to the county auditor the forms needed to submit the official county election results to the secretary of state.

8. Receive and compile the county official abstract of votes for canvass by the state canvassing board.

9. Receive and compile the county expenses and statistical reports.

10. Convene the state canvassing board within seventeen days after each election to certify the official results of the election.

11. Send Certificates of Nomination to each person nominated for various offices in the primary election.

12. Send Certificates of Election to persons declared elected by the state canvassing board for state, judicial district, legislative district, congressional, or soil conservations districts.

13. Publish the official election results in the Bismarck Tribune.

14. File oaths of office of state officials, judicial and legislative office holders.

15. Develop and implement training programs for all precinct election officials in the state.

16. Prepare voting information guidelines for voters.

17. Convene an annual state election conference for county auditors to discuss uniform implementation of state election laws and policies.

18. Publish and distribute to each county an election calendar, a manual on election procedures, and maps of all election districts.

19. Investigate nonperformance of duties or violations of election laws by election officials.

20. Require reports from county auditors on election matters as deemed necessary.

21. Establish accounting procedures designed to show all election expenditures incurred by the state and counties.

22. Prepare and publish biennial reports on the conduct and costs of elections in the state, including expenses and statistics.

23. Establish standards for all election machinery, locations, and supplies, including but not limited to ballots, wrappers, seals, stamps, ballot boxes, pollbooks, tally sheets, reports, voting machines, electronic voting systems, and voting places.

24. Prepare a statement concerning the accessibility of voting places in each county in the state.

Political Committee Registration

Political committees must register their names and addresses with the secretary of state. Political committees are groups of persons which receive donations or spend money to help candidates win elections. Candidates often utilize these committees to run their campaigns such as the "Sinner for Governor" committee or for the "Friends of Byron Dorgan" committee. These are generally referred to as candidate committees.

Political committees can also be groups of people who collect donations or spend money to try and convince other people to vote a certain way on an issue at an election. For example, a committee called "Citizens for Seat Belts" might try and persuade voters to enact a mandatory seat belt law. If they collected donations and spent money for that purpose they would have to register with the secretary of state.

Other types of political committees with registration requirements are groups commonly known as political action committees. These are special interest groups formed to make campaign contributions to candidates running for election. Examples include the National Rifle Association (NRA) Political Victory Fund, or the Coca-Cola Company Non-Partisan Committee for Good Government.

The purpose of registration for these committees is so the secretary of state can monitor whether they are submitting reports disclosing the amount of money

they have collected and spent. Registration allows the secretary of state to send a notice to the committee reminding them that they have a reporting deadline approaching or that they have failed to submit a required report.

CAMPAIGN DISCLOSURE REPORTS. Process all campaign disclosure reports for candidates for state office or their campaign committees, for political parties, and for political committees. This may include income and expenses.

STATEMENTS OF INTEREST. File statements of interest for candidates of statewide elective office, excluding congressional candidates, and of the governor's appointees. The persons must list principal occupations; financial interests in businesses, trusts, associations, or other institutions with whom closely associated; and names of business offices or directorships held in the past year.

CHARITABLE SOLICITATION LICENSURE. The secretary of state licenses charitable organizations soliciting money, pledges, or property of any kind or value in North Dakota; investigates the financial responsibility, experience, character, and general fitness of all applicants, and file annual reports of licensed charities showing total monies collected and expended by those organizations.

ATHLETIC COMMISSIONER. The secretary of state supervises professional boxing and sparring exhibitions in the state. Boxers, managers, referees, ring announcers, and promoters are licensed. The licenses expire after one year.

LOBBYIST REGISTRATION. The secretary of state registers lobbyists who attempt to influence legislation directly or indirectly in any way; files applications, letters of authorization of those firms the lobbyists represent, and an annual report. The office provides a list of lobbyists to the chief clerk of the house and the secretary of the senate on or before the thirty-fifth legislative day.

NOTARY COMMISSIONS. The secretary of state appoints notaries public in each county of the state to six-year terms, retains all papers filed by the notary applicant, and sends out forms when the commissions are about to expire so the notary can seek reappointment. Notaries have power and authority statewide to administer oaths, perform certain official acts, and give official recognition and authenticity to acts and documents executed in their presence.

ABSENT PERSONS MINERAL OR ROYALTY INTERESTS IN LAND. The secretary of state registers post office address of persons who own mineral, lease or royalty interests on land in North Dakota.

INTERNATIONAL WILLS. The secretary of state registers and preserves international wills of citizens for later execution and disposition according to law.

FACSIMILE SIGNATURES. The secretary of state files documents containing signatures of state officials, certified by that officer under oath, that the signature is their own and can be used for facsimile purposes for official state business.

FEDERAL CENSUS REPORTS. The secretary of state compiles federal census reports on state, county, city, and township populations.

FEDERAL ELECTION REPORTS. The secretary of state compiles, under federal law, monthly, quarterly, annual, pre and post election reports for: all candidates for president or congress, their principal campaign committee or authorized committees, political party campaign committees, and political action committees representing various organizations that support candidates for office.

PUBLIC MEETINGS. Notices of public meetings of state agencies, boards, and departments are filed in the office of the secretary of state.

SERVICE OF PROCESS. The secretary of state completes service of process, or legal papers, on domestic and foreign corporations, non-profit corporations, cooperative associations, or limited partnerships when such businesses fail to appoint or maintain a registered office or registered agent. The secretary of state serves as agent for service of process for out-of-state contractors, worker's compensation, out-of-state chemical applicators, out-of-state mineral emplorers, carnivals, fairs, circuses, or other out door shows in the state, savings and loan associations, building and loan associations, geophysical exploration companies, and the state fair association. The office keeps a record of all processes, demands, or notices and charges a fee for such service.

LEGISLATIVE DUTIES. The secretary of state serves as custodian of the original documents of the state, including the constitution, and the original copies of all laws and resolutions introduced in the legislative assembly and other records. Duties assigned by the legislative assembly include:

1. Certify the names of all persons to whom certificates of election were issued to each house of the legislature.

2. Retain two sets of the legislative journals of each house, certify their receipt, and forward the remaining journals as decided by legislative rule.

3. Receive, record, and store all books, bills, resolutions, documents, and papers of each house of the legislature.

4. Provide lists of registered lobbyists to each house.

5. Provide to members of the legislative assembly all public documents as provided by law including the North Dakota Century Code and supplements, session laws of the last legislative session, journals of the last session, latest Blue Book, and the North Dakota Administrative Code and supplements.

6. Provide to the legislative assembly or its committees public documents as requested.

7. Distribute laws, resolutions, or other documents of the legislative assembly.

8. Perform such other duties as may be assigned to the secretary of state by the legislative assembly.

ADDITIONAL DUTIES

1. Keeps the enrolled copy of the original state constitution.

2. Keeps the acts and resolutions of the legislative assembly until the law allows transfer to the historical society.

3. Preserves and supervise the use of the Great Seal of the state of North Dakota.

4. Keeps all books, records, deeds, parchments, maps, and papers deposited in the secretary of state's office.

5. Affixes the Great Seal with the secretary of state's attestation to commissions and other public instruments on which the official signature of the governor is required.

6. Keeps a registry of and attest to the official acts of the governor including filing proclamations, appointments, executive orders, extraditions and writs.

7. Records all conveyances made to the state.

8. Files receipts for all books distributed by the secretary of state and direct county auditor's to do the same.

9. Keeps a fee book for all fees, commissions, and compensation earned, collected, or charged.

10. Furnishes certified copies of all and any part of any law, record, or other instrument filed, deposited, or recorded in the secretary of state's office.

11. Completes and forward a biennial report to the governor of office duties completed and moneys received and expended.

12. Keeps a registry of cities.

13. Serves as governor if there is a vacancy in the office of governor and lieutenant governor, or if both have left the state.

14. Files oaths of office and statements of interest of governor's appointees.

Public Printing Division

The secretary of state is responsible for working with the legislative council to compile, authenticate, publish, distribute, and store all publications of law of the state of North Dakota. These include the biennial session laws of North Dakota, North Dakota Century Code and replacement volumes and supplements, North Dakota Administrative Code and supplements, legislative assembly house and senate journals, North Dakota Blue Book, and Constitution of the state of North Dakota. The above are distributed to members of the legislative assembly; state constitutional officers; judges of the supreme

court and district courts; state departments, boards, or agencies; legislative assembly officer; and county officers as required by law. The secretary of state also sells publications of the session laws, administrative code, and Blue Book.

Boards and Commissions

The secretary of state serves as a member of:

1. The state canvassing board, which canvasses state, judicial, legislative and congressional election results after all statewide or special elections.

2. The board of university and school lands which has full control of the selection, management, appraisal, rental, sale, or disposal of public land and full control of the proceeds from the rental, sale, or lease of that land.

3. The emergency commission which votes to allow line item transfers of appropriations to state agencies, extends emergency monies to agencies, and accepts new federal funds for state agencies.

4. The state historical board as an ex-official member to protect state interests regarding moneys, collections, and acquisitions of the historical board.

5. The board for trial of presidential electors as clerk of the board.

6. The Theodore Roosevelt Roughrider Award where selections are made for the award and all records of the recipients are kept by the secretary of state.

Submitted by the Secretary of State

STATE AUDITOR
Robert Peterson

Qualifications for Office:

25 years of age
Qualified Elector
Four-year term

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STATE AUDITOR

Introduction

The State Auditor is a constitutional officer of the State of North Dakota and is responsible for performing the postaudit of all financial transactions of state government, detecting and reporting any defaults, and determining that expenditures have been made in accordance with law and appropriation acts.

Major Functions

1. Performs or provides for the audit of the general purpose financial statements and a review of the material included in the annual financial report of the state; performs or provides for the audits and reviews of state agencies, including occupational or professional boards provided for by law. The state auditor shall audit or review each state agency once every two years. The state auditor may conduct any audits required by the federal government.

2. Performs or provides for performance audits of state agencies as determined necessary by the state auditor or the legislative audit and fiscal review committee. A performance audit includes reviewing elements of compliance, economy and efficiency, and program results. The purpose of such an audit is to determine whether an agency is complying with applicable laws and legislative intent, is managing its resources efficiently, and whether the agency's programs are achieving desired results.

3. Reports audit findings to the governor and the office of management and budget as prescribed by section 54-06-04 or more often as circumstances may require.

4. Performs postaudits of political subdivisions and such other duties as prescribed by law. Political subdivisions include cities, counties, school districts, parks, libraries, airports, or any entity that receives public money. If the political subdivision so chooses, it may have a private accounting firm conduct the audit under guidelines established by the State Auditor.

Boards and Commissions

The State Auditor serves on the Tax Equalization Board and as an advisory member of the Public Employees Retirement Board.

Submitted by the State Auditor

Dale Sandstrom

Bruce Hagen

Leo Reinbold

PUBLIC SERVICE COMMISSIONERS

Qualifications for Office:

25 years of age
Qualified Elector
Six-year term, with one commissioner's term expiring every two years

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PUBLIC SERVICE COMMISSION

Introduction

In 1885, Dakota Territory established a Board of Railroad Commissioners with general jurisdiction over railroads, sleeping car companies, express companies and telegraph companies. At statehood, the Constitution of North Dakota provided for election of a Board of Railroad Commissioners with powers and duties prescribed by law. In 1940, the name was changed to Public Service Commission.

The Legislature has significantly broadened the duties of the Public Service Commission. Today, the Commission has jurisdiction over railroads, contract and common motor carriers, telecommunications companies, pipeline, electric and gas companies, water and heating companies, grain elevators and warehouses, weights and measures, public auctioneers and auction clerks, siting of energy plants and transmission facilities and reclamation of mined lands.

The Commission does not have jurisdiction over the rates of rural electric cooperatives or most telephone companies.

Major Functions

Abandoned Mine Lands Division

The Abandoned Mine Lands (AML) Division administers a federal program to remove hazards and environmental problems associated with abandoned mines. The division investigates AML sites, designs reclamation projects, submits applications for federal funds and manages construction projects under public contracts.

Consumer Affairs Division

The Consumer Affairs Division responds to complaints, inquiries and requests for information about activities or companies within the Commission's jurisdiction. It promotes consumer understanding of the regulatory process and facilitates public participation.

Grain Elevator Division

The Grain Elevator Division administers licensing, inspection and insolvency of grain elevators, roving grain and hay buyers, and storage companies. It handles licensing of auctioneers and auction clerks.

Public Utility Division

The Public Utility Division provides technical and administrative assistance to the Commission in regulating telecommunications, electric and gas utilities.

The division makes recommendations on applications for the siting of energy conversion and transmission facilities and on enforcement of Commission orders

permitting electrical powerlines, gas pipelines, and electrical generation plants. It also administers the gas distribution and intrastate pipeline safety program.

Reclamation Division

The Reclamation Division is responsible for the administration and enforcement of state environmental law regarding surface coal mining and reclamation operations. It also administers Commission authority under the Surface Owner Protection Act.

Transportation Division

The Transportation Division deals with railroads and with commercial motor transportation of people and property over North Dakota highways. The division supervises rates and practices of carriers operating wholly within the state, and serves the Commission in representing North Dakota's transportation interests before federal agencies. It coordinates the state's fight against branchline abandonments.

Weights and Measures Division

The Weights and Measures Division provides a fair basis for commercial transactions by maintaining the necessary standards of weight, volume and length. It tests commercial weighing and measuring devices for accuracy to protect both the buyer and seller.

Duties and Responsibilities

The three Public Service Commissioners are statewide elected officials, each serving a six-year term with one Commissioner's term expiring every two years. The Commissioners are responsible for the exercise of the powers and duties of the commission. Although the workload is divided among the Commissioners, each Commissioner exercises equal power and shares equal responsibility for each decision.

The portfolios of the present Commissioners are:

Bruce Hagen: president, telephone utilities, railroads, weights and measures, and auctioneers

Leo M. Reinbold: gas utilities, pipeline companies, abandoned mine lands and motor carriers

Dale V. Sanstrom: electric utilities, grain elevators, reclamation, and consumer affairs.

Executive Secretary to the Commission

The Public Service Commission appoints an Executive Secretary to the Commission, who coordinates operations and communications for the Commission.

Commerce Counsel

The Attorney General is the Attorney for the Commission but based on Commission recommendation has appointed Commerce Counsel to act as legal advisors to the Commission..

Commission Divisions

The Commission has seven divisions:

Abandoned Mine Lands Division
Consumer Affairs Division
Grain Elevator Division
Public Utility Division
Reclamation Division
Transportation Division
Weights and Measures Division

Submitted by the Public Service Commission

ATTORNEY GENERAL
Nicholas Spaeth

Qualifications for Office:

25 years of age
Qualified Elector
Four-year term

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OFFICE OF THE ATTORNEY GENERAL

Introduction

The Attorney General is the chief legal officer of the State of North Dakota. The Attorney General represents the state and the interests of North Dakotans in civil and criminal legal actions. He or she may take any action deemed necessary to protect the rights of North Dakotans, to defend the actions of state officials, and to ensure public order.

Major Functions

The Attorney General's responsibilities include:

1. Serving as the state's legal advisor by issuing written opinions on questions concerning the state's law and constitution.

2. Serving as legal counsel for North Dakota's state agencies, boards and commissions.

3. Proposing new legislation, supporting the passage of public interest bills, and providing legal assistance to legislators during the legislative session.

4. Representing the state in civil and criminal lawsuits.

5. Assisting local government in criminal investigations and drug enforcement.

6. Protecting the rights of consumers through the Consumer Fraud Section.

7. Regulating charitable gambling.

8. Serving on several state boards and commissions including the Industrial Commission, the Board of University and School Lands and the Pardon Board.

The office of North Dakota Attorney General is separated into six divisions.

State and Local Government Division

A. Local Government Section
B. State Government Section
C. Business Affairs and State Finance Section

The State and Local Government Division is responsible for providing legal services to state agencies. This division researches and prepares all Attorney General's opinions and provides assistance to local government agencies.

Criminal and Regulatory Division

A. Gaming Section
B. Licensing Section
C. Consumer Fraud and Antitrust Section
D. Fire Marshall
E. Criminal Law Section

The Criminal and Regulatory Division is responsible for enforcing all laws dealing with the regulation of certain industries, occupations and professions. It enforces consumer protection and antitrust laws. The Attorney General's Gaming section regulates charitable gaming activity in North Dakota. The Attorney General's Criminal and Regulatory Division trains prospective peace officers on law enforcement duties and criminal law and researchers legal issues for local prosecutors and law enforcement officials. The Attorney General's Fire Marshal's office helps train local firefighters and helps extinguish major fires. The Attorney General's Licensing Section is responsible for the licensing and regulations of liquor retailers, tobacco retailers and traveling salespersons.

Civil Litigation Division

A. General Civil Section
B. Public Employees Section

The Civil Litigation Division, headed by the Solicitor General, coordinates civil litigation involving state agencies and their personnel. The division's goal is to uphold North Dakota laws in the courts and to protect the state from liability.

Natural Resources and Indian Affairs Division

The Natural Resources and Indian Affairs Division is responsible for legal issues involving agriculture, water, oil and gas, Indian law and the environment. This division advises the Land Department, the Game and Fish Department and the Parks and Recreation Departments.

Law Enforcement Services Division

A. Bureau of Criminal Investigation
B. Drug Enforcement Unit
C. Criminal Justice Training and Statistics

The Attorney General's Bureau of Criminal Investigation has statewide police powers. The BCI assists all law enforcement agencies in the investigation and apprehension of criminals. BCI agents also investigate narcotic trafficking in North Dakota.

The Law Enforcement Services Division also licenses and trains peace officers and local correctional officers. This division trains prosecutors and defense attorneys on criminal law and procedures and collects information on crimes committed in North Dakota.

Finance and Administration Division

The Finance and Administration Division is responsible for supervising all office financial and administrative functions. It handles all office budget matters, data and word processing duties, support staff duties and employee personnel matters.

Boards and Commissions

The Attorney General is a member of numerous boards and commissions, including: Board of Pardons, Board of University and School Lands, Controlled Substances Board, Industrial Commission (which oversees all state owned industry), Judicial Council, Indian Affairs Commission, Commission on Medical Competency, and Children's Coordinating Cabinet.

Submitted by the Attorney General's Office

AGRICULTURE COMMISSIONER
Sarah Vogel

Qualifications for Office:

25 years of age
Qualified Elector
Four-year term

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COMMISSIONER OF AGRICULTURE

Introduction

The North Dakota Department of Agriculture was established in 1889 by the North Dakota Constitution as the Department of Agriculture and Labor. Section 89 provided that the department's primary responsibility was the collection of agricultural and labor statistics. In 1965, the voters amended the constitution dividing the agency into separate departments of agriculture and labor.

The Department of Agriculture is headed by the Commissioner of Agriculture. Originally, the commissioner was elected to two-year terms, but in 1965, the voters amended the constitution changing the term of the office to four years.

Major Functions

Over the span of a century, the responsibilities of the Commissioner of Agriculture have expanded to include the dissemination of information concerning agricultural issues to the governor, members of the Legislature and the general public; a leadership role in the formulation of policies affecting the state's agricultural industry, and the advocacy of the needs and concerns of farmers and ranchers on the state and national levels.

Duties and Responsibilities

The powers and duties of the Commissioner of Agriculture "shall be prescribed by law," according to Section 83 of the North Dakota Constitution. The following responsibilities are set forth in various sections of the North Dakota Century Code:

--promotion of improved marketing conditions for North Dakota agricultural products

--regulation of dairy and poultry products

--licensing and bonding of livestock auction markets and individuals selling livestock in the state

--recording of livestock identification brands

--control and eradication of bee diseases, and licensing of the state's beekeepers

--promotion of the turkey industry and turkey products through an assessment on turkey sales

--development, supervision, and participating in and of programs to protect plant life from disease and insects

--inspection, certification, and licensing nurseries, nursery dealers, and agents

--administration and enforcement of state and federal laws on restricted-use pesticides

--licensing and inspection of anhydrous ammonia bulk facilities

--administration of the noxious weed law

--cooperating with federal agencies in suppressing animals and birds that cause property damage

--administration of the state waterbank program.

Boards and Commissions

--North Dakota Industrial Commission
--North Dakota Water Commission
--North Dakota Board of Equalization
--North Dakota Emergency Commission
--North Dakota Agricultural Products Utilization Commission
--North Dakota Dairy Promotion Commission
--North Dakota Seed Commission
--North Dakota Pesticide Control Board
--North Dakota Barley Council
--North Dakota Edible Bean Council
--Northern Crops Council
--North Dakota Potato Council
--North Dakota Sunflower Council
--Soil Conservation Committee
--Agricultural Conservation and Adjustment Committee
--North Dakota Soybean Council
--Agriculture in the Classroom Council
--North Dakota-Saskatchewan Boundary Advisory Committee
--State Intermodal Transportation Team
--Governor's Task Force on Blackbird Depredation
--North Dakota Wheat Commission
--North Dakota Disaster Emergency Board
--Wetland Mediation Advisory Board
--USDA Food and Agriculture Council
--Honey Promotion Council
--Waterbank Advisory Board
--Interstate Compact on Pest Control
--State Seed Mediation Board

Submitted by the Agriculture Department

STATE TREASURER
Bob Hanson

Qualifications for Office:

25 years of age
Qualified Elector
Four-year term
Only office limited to two consecutive terms in office

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OFFICE OF STATE TREASURER

The State Treasurer is a Constitutional officer of the state. It is the only office where the individual is limited to serving two consecutive terms.

Introduction

The State Treasurer serves as custodian for all state funds. The State Treasurer is the state alcohol beverage administrator responsible for regulating the manufacturers, suppliers and wholesalers in the alcohol beverage industry and collects the business privilege tax paid by wholesalers. The Treasurer is also responsible for the investment of all the state's general and special funds, as well as several trust funds, such as the Veterans' Postwar Trust Fund.

Major Functions

The divisions and primary functions of the State Treasurer's Office and their functions are as follows:

Accounting and Receipting

Receipts and deposits all income for all state agencies into the state's accounting system. Provides reconcilement for state accounts. Responsible for the proper management of all accounting, human service and payroll checks to agencies under central accounting system.

Securities and Investment

Provides daily investment management services for all state agencies. Special investment services are provided for trust funds and/or state agencies allowed to invest funds outside the Bank of North Dakota. Custodian for certificates of deposits acquired for various trust funds.

Alcohol Beverage Control: Collects alcohol beverage taxes and reconciles collections with manufacturers' reports, issues wholesaler licenses, reviews promotional programs and works with the wholesaling and manufacturing/supplier segments of the industry relating to state laws.

Administration

Coordinates interdepartmental activities.

Tax Collections and Distribution

The State Treasurer is responsible for collection of alcohol beverage taxes and air transportation taxes. In addition, the Treasurer has responsibility for distributing the following to local subdivisions of government: Highway Tax, Coal Severance Tax, Estate Tax, Coal Conversion Facilities Tax, Cigarette Tax, Oil and Gas Gross Production Tax, Homestead Tax Credit, Personal Property Replacement Tax, State Revenue Sharing, Township Highway Aid Fund, Oil

Extraction Tax, Transmission Lines Facilities Tax, City Lodging/Restaurant Tax, City Occupancy Tax, City Sales Tax, Airline Tax and Flood Control Distribution.

Boards and Commissions

The State Treasurer serves as a member of the following entities by law: Board of Tax Equalization, State Historical Board, State Investment Board, State Canvassing Board, Teachers' Fund for Retirement Board, and the Board of University and School Lands. The current Treasurer serves as Vice Chair of the State Investment Board, represents North Dakota on the National Coalition on Alcohol Beverages Procurement, and serves as a member of the legislative and pension committees of the National Association of State Treasurers (NAST).

Submitted by the Office of the State Treasurer

INSURANCE COMMISSIONER
Earl Pomeroy

Qualifications for Office:

25 years of age
Qualified Elector
Four-year term

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COMMISSIONER OF INSURANCE

Introduction

The Insurance Commissioner is responsible for the regulation of the insurance companies and agents doing business in the State of North Dakota. Included in these duties are the authority to interpret and apply the laws dealing with the insurance industry and to aid policyholders in receiving fair treatment during disputes. In addition the Commissioner must license, supervise, and examine companies for business conduct and financial stability. Both the State Fire and Tornado Fund, which provides property insurance coverage for political subdivisions, and the State Bonding Fund, which provides blanket bond coverage for public employees and officials, are administered by the Commissioner. The Unsatisfied Judgment Fund is also under the jurisdiction of the Insurance Commissioner, as is the Petroleum Tank Release Fund.

Major Functions

The Insurance Commissioner's primary function is the regulation of insurance companies and agents doing business in the State of North Dakota. In addition, the Commissioner monitors prepared legals, reciprocal or inter-insurance exchanges, medical malpractice, self-insured government pools, fraternal benefit societies, nonprofit health service corporations, title insurance costs, insurance premium finance costs, state guaranty associations, surplus lines, risk retention groups and purchasing groups and PPO's of insurance companies and insurance agents doing business in the State of North Dakota. Along with company licensing, the Commissioner requires that companies submit annual statements of their financial condition and a general summary of business transacted in the previous year. Each year an abstract of statement is required. This report is published in the official newspaper of each judicial district in which the company does business. Upon yearly review, license renewal may be withheld if a company cannot prove its public financial responsibility.

The Commissioner cooperates with other state insurance departments in the regulation and financial examination of companies nationally through the National Association of Insurance Commissioners (NAIC). An exchange of insurance laws and regulations is encouraged on a national level to help states develop better and more uniform laws in the business of insurance regulation.

All companies (except fraternals) are subject under state law to a gross premium tax. The current tax rate, effective July 1, 1987, for life insurance companies is two percent and one and three-quarter percent for accident, property and casualty companies. All premium tax revenue is collected by the Insurance Department and is deposited into the state's general fund.

The Commissioner licenses both resident and non-resident agents. Resident agents must pass an examination that assesses entry level competency and thereafter, licenses may be renewed annually in accordance with the law. Agents are required to take both pre-license and continuing education courses. The Insurance Department has the responsibility of approving instructional

courses for educational credit and for monitoring compliance with the continuing education requirements.

Policy forms and rates are required to be filed with the Department of Insurance for review. All policies must be approved before companies can sell them in North Dakota. This protects the North Dakota consumer from unfair forms or excessive rates and assures that all policies are in compliance with North Dakota statutes and regulations.

The Consumer Complaint Division of the Insurance Department aids policyholders in receiving fair treatment from the insurance industry. Complaints are centrally received through the mail and a toll-free consumer phone line. Complaints are routed to the appropriate investigator for resolution. Upon discovery of violations of law or administrative rule, an administrative hearing is held and penalties may then be applied by the Commissioner.

The Commissioner also manages the North Dakota State Fire and Tornado Fund the Petroleum Tank Release Fund, and the State Bonding Fund. The Fire and Tornado Fund provides low cost property insurance coverage for political subdivisions. The Petroleum Tank Release Fund is designed to assist underground and aboveground petroleum tank owners in replacing the storage tanks with more environmentally sound tanks by offsetting cleanup costs. The Bonding Fund provides blanket bond coverage for public employees and all public officials.

The Unsatisfied Judgment Fund is also administered by the Insurance Commissioner. The Fund was established by the 1947 Legislative Assembly to protect residents of North Dakota against financial hardships caused by accidents with judgment-proof drivers. The Fund allows a resident with a state court judgment for damages from bodily injury or death in a motor vehicle accident to obtain a financial settlement from the fund.

Boards and Commissions

MEMBER: State Investment Board, State Commission on Medical Competency.

Submitted by the Insurance Department

TAX COMMISSIONER
Heidi Heitkamp

Qualifications for Office:

25 years of age
Qualified Elector
Four-year term

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STATE TAX COMMISSIONER

Introduction

The Tax Department is comprised of six separate divisions.

The Commissioner's Division has ultimate responsibility for the general administration of the department. It also serves as the department's primary research and statistics analysis center, coordinates department data processing needs, manages the personnel functions and directs internal audits of the department.

The Legal Division provides legal advice and counsel to the department and to the State Board of Equalization. The Controller's Division performs accounting functions, provides staff services and collects delinquent taxes. The Sales and Special Taxes Division, Income and Oil Taxes Division and Property Tax Division administer different state taxes under the direction of the Tax Commissioner.

The Tax Department administers the tax laws of the state to ensure collection of tax revenue necessary to fund the operation of state and local government. The Tax Department receives and processes tax returns; disseminates information to foster compliance; issues rules and regulations, guidelines, and instructional materials; holds tax seminars and public meetings; and assists taxpayers through personal contact, telephone, and correspondence. In addition, the Tax Department collects delinquent taxes; assists local government units in administering the property tax; administers the Homestead Credit and Renter Refund Program; prepares fiscal notes; provides input and analyses for revenue forecasts; conducts formal hearings; prepares opinions on tax questions; and provides advice and counsel to the State Board of Equalization.

Major Functions

The primary mission of the Tax Department is to collect tax revenue required to be paid by law and necessary to fund the operation of state and local government, through the uniform and fair administration of North Dakota's tax laws. Accomplishment of this mandate requires the pursuit and achievement of several distinct goals simultaneously.

The first goal, essential to effective tax administration, is to obtain voluntary compliance with the tax laws of the state by all taxpayers. Disseminating information about specific tax laws and general tax structure serves to foster compliance; well-informed citizens generally are willing to meet their obligations. The Tax Department issues rules and regulations, guidelines and instructional booklets. In addition, public meetings are held, and taxpayers receive individual assistance through personal contact, the telephone and correspondence.

A second goal is to enforce compliance by those who refuse to voluntarily submit tax returns and remit taxes due. Compliance activities are carried out by department auditors, compliance officers, field tax inspectors and tax

collections officers, under the procedures set out in Title 57 of the North Dakota Century Code.

Recognizing that the quality of service an agency provides reflects the competence of its personnel, the third goal of the Tax Department is to employ highly qualified, capable men and women and to afford them opportunities for personal and professional growth within the organization.

The fourth goal is effective management of human resources. Within the framework of the Tax Department's broad objectives, individuals are encouraged to apply creativity and initiative in the performance of their responsibilities. In this environment, employees strive to attain self-determined objectives, which results in greater productivity and contributes to organizational achievement.

As a fifth goal, the Tax Department is committed to fiscal responsibility in the use of funds provided by the Legislature. In its efforts to minimize costs while maximizing productivity and quality of taxpayer service, the Tax Department relies on a management system which emphasizes the necessity of realistic measurement of achievements and current reports of problems and progress in meeting the Department's objectives.

Boards and Commissions

Represents North Dakota on the multistate tax commission, State Board of Equalization.

Submitted by the Tax Department

LABOR COMMISSIONER
Craig Hagen

Qualifications for Office:

25 years of age
Qualified Elector
Four-year term
No-Party Ballot
Election held during off-presidential election year

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COMMISSIONER OF LABOR

Introduction

The North Dakota Labor Department and its functions are provided for in Title 34 of the North Dakota Century Code.

Voters in the 1960 Primary Election approved the Constitutional Amendment authorizing the legislature to establish a Department of Labor. In 1965 the legislature created the current Labor Department arrangement. Previously it had been a part of the Agricultural Department.

The North Dakota Department of Labor is directed by a Commissioner who is elected on the No-Party Ballot for a four-year term. Field offices are located in Minot and Fargo and are staffed by one full-time employee.

Major Functions

North Dakota's work force consists of about 320,000 people. It is the duty of the Commissioner of Labor to try to improve their working and living conditions and to advance their opportunities for profitable employment.

Additional duties include: fostering, promoting, and developing the welfare of both earners and industries in North Dakota; the promotion of friendly and cooperative relations between employers and employees; cooperating with other state agencies to encourage the development of new industries and the expansion of existing industries; representing the State of North Dakota in dealings with the United States Department of Labor, the Federal Mediation and Conciliation Service, and the United States Veterans Administration with respect to job training programs; acquiring and disseminating information on the subjects connected with labor, relations between employers and employees, hours of labor, and working conditions; encouraging and assisting in the adoption of practical methods of vocational training, retraining, and vocational guidance.

Further duties consist of administering and enforcing the laws governing: minimum wages; child labor; resident preference in employment; labor-management relations; wage payment and wage collection; equal pay for equal work; employment agencies; and discrimination in employment. Distribution of printed material and personal contact encourages compliance by the approximately 20,000 employers in North Dakota.

Minimum wage levels and overtime provisions are determined by the Commissioner acting on the recommendations of Conference Committees selected by the Commissioner. Public hearings must be held before a new minimum wage or overtime provision becomes effective.

Wage payment and collection assistance is available to employees. A claim for unpaid wages is investigated to determine its merit. The Commissioner may pursue collection of legitimate claims. Claims range from three dollars to several thousand dollars and collections have been running over a hundred thousand dollars per year.

Child labor regulation is addressed through a work permit system. Fourteen and fifteen year old students may have an opportunity to work by obtaining a permit. Fourteen and fifteen year olds are protected from hazardous work, hours of work in excess of state law, or from working hours that are illegal. The permit is available from the County School Superintendents in communities of less than 5,000 residents and from the School Superintendents in the larger communities. Each permit is reviewed by the North Dakota Labor Department.

Administration and enforcement of the Equal Employment Opportunity provisions require action addressing the wrongs and eliminating the existence of discrimination in employment. The United States Equal Employment Opportunity Commission contracts with the North Dakota Department of Labor to participate in receiving and investigating charges.

The "employment at will" doctrine prevails in North Dakota and generally means that the employer can arrange the work schedule, decide the salary, and demand the level of production and performance as long as the laws of minimum wage, child labor, overtime, discrimination, and other applicable provisions are not violated.

Under the Labor Management Relation Act, the Commissioner may conduct a representation election if a minimum of 30 percent of the employees working for the same employer request that an election be conducted to determine if a particular bargaining representative will be the choice of a majority of the voting employees. If a labor-management dispute arises, the Commissioner may act as a mediator or may appoint an impartial and disinterested person to act as a mediator when asked to do so by one or both parties involved in the dispute for the purpose of bringing the parties together and to reach a settlement.

Boards and Commissions

The Commissioner currently serves as an ex officio member of the Governor's Employment and Training Forum and as a member of the Executive Committee of the National Association of Governmental Labor Officials for Region VIII which includes the states of Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming.

Submitted by the Labor Department

SUPERINTENDENT OF PUBLIC INSTRUCTION
Dr. Wayne G. Sanstead

Qualifications for Office:

25 years of age
Qualified Elector
Four-year term
No-Party Ballot
Must hold a Teachers Certificate of the highest grade issued in the state

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SUPERINTENDENT OF PUBLIC INSTRUCTION

Introduction

The Superintendent of Public Instruction is charged with the general supervision of the elementary and secondary schools of the State of North Dakota. He serves on a number of boards and commissions as part of that responsibility. In July of 1989 the administration of the Division of Independent Study was transferred to the Superintendent. Effective January of 1991, the Superintendent became responsible for the supervision of the state Schools for the Deaf and Blind, and the State Library.

Major Functions

Approval and Accreditation

All private schools must receive approval by both the superintendent of public instruction and the appropriate county superintendent. There are four approval stipulations: length of school term; minimum curriculum; teacher certification; and, health, fire, and safety codes. The approval stipulations are also applied to all of the public schools. Additionally, schools may seek accredited status by documenting that a number of input and process standards have been met. Certain schools are commended which have successfully completed a school improvement process which includes a self-study, a team visit, and implementation of a school improvement plan.

Teachers' Professional Practices Commission

The commission is made up of nine members appointed by the Governor. The superintendent is executive secretary of the commission. The commission develops standards relating to ethics, conduct and professional performance of persons engaged in teaching in the public schools. These standards are recommended to the superintendent for adoption and the superintendent may approve or revise and promulgate such standards.

The commission is also charged with investigating complaints against teachers. The commission may discuss the complaint, issue a written warning or file a complaint with the superintendent. In the latter case, the superintendent may conduct a hearing. If the superintendent finds grounds for revocation or suspension, such an order would be issued as provided by state law.

The commission also recommends inservice programs and plans to the state superintendent.

Education Fact Finding Commission

This commission consists of three members, one each appointed by the Governor, the Attorney General and the Superintendent. The appointee of the superintendent serves as chairman of the commission.

If a school board and its teachers reach an impasse in negotiation of the terms and conditions of employment, assistance may be requested from the commission. The commission considers the facts and makes a recommendation. Neither party is required to accept the recommendation.

Supervision of Adult Basic and Secondary Education Programs

The superintendent is responsible for coordinating all adult basic and secondary education programs, including the administration of state and federal funding for such programs. State and federal grants are provided to adult learning centers.

Federal Agreements

The superintendent may enter into agreements with any agency of the federal government for or on behalf of the public school districts of North Dakota and may adopt necessary rules of administration to ensure proper and efficient operation of such agreements and to comply with such conditions necessary for the state to receive full benefits of federal programs. All contracts, agreements or arrangements affecting public tax-supported schools shall be entered into in accordance with regulations prescribed by the superintendent.

Agreements have been negotiated to address compensatory and migrant education, exemplary curriculum development, health education, national origin, race, and sex equity. The National Endowment for the Humanities and various private foundations have been contributors to special programs via the Department.

Certification of Teachers

The superintendent, after consulting with the Teachers' Professional Practices Commission, determines the criteria for teacher certification. The standards include, by law, a consideration of character, educational preparation and general fitness to teach in North Dakota schools.

The superintendent adopts rules and regulations for the issuance of certificates. The superintendent may revoke or suspend a teacher's certificate for intemperance, immorality, cruelty, incompetency, for commission of a crime, neglect or refusal to perform duties, for breach of contract, for violations of professional codes or standards as promulgated in law or for any cause that would have prevented the certificate from being issued in the first place had the facts been known.

Curriculum

The Department sustains assessment and curriculum development both as a means to determine effectiveness of programs and as an avenue to provide technical assistance. Statewide administration of an achievement series and aptitude tests provide information on how well students are performing as compared to how well they ought to perform. Various projects are funded which lead to curriculum guidelines and sample curricula. Competency-based instruction and exit outcomes are being emphasized.

School Accounting

The superintendent is required by law to implement a uniform system of accounting, budgeting and reporting for all school districts. All districts are required to submit additional reports as required by the superintendent.

Biennial Report

The superintendent must prepare a biennial report that shows the number of districts, students, attendance records and studies offered. The report shall also illustrate the financial condition of the schools, receipts and expenditures, value of schoolhouses, costs of tuition and teachers' salaries.

In addition, the report should include the condition of private schools and other recommendations which the superintendent deems important.

Assessment

Through various task forces, assessment procedures, and evaluation processes, the statewide education system is analyzed. The mission statement is periodically revised with accompanying revisions in the overall goals and objectives being made. Determinations of needed improvements are defined and plans for addressing deficiencies are promulgated. Constant attention is given to the status of the system from the perspectives of efficiency, effectiveness, and equity.

Supervision of County Superintendents

The county superintendents are to follow all lawful instruction from the state superintendent and are to distribute necessary forms provided by the state superintendent. In case of controversy, the county superintendent will provide a full written statement to the state superintendent for a final binding decision. Each county superintendent must furnish an annual report to the state superintendent.

School Buildings

No building to be used in whole or part as a school shall be erected until a copy of the plans have been submitted to the Superintendent of Public Instruction, who is designated as building plans inspector. The plan must show in detail ventilation, heating and lighting of the building. All construction, purchase, repair, improvement or renovation of any school building with an estimated cost of $25,000 must be approved by the Superintendent of Public Instruction. Exact building requirements are listed in the Uniform Building Code.

The state board of public school education acting through the office of the state superintendent shall have jurisdiction over the school construction fund.

School District Aid

The superintendent certifies to the Office of Management and Budget a list of all districts and the amounts due each school district and each school district shall be paid, within the limits of legislative appropriation.

Transportation Aid

The superintendent requires by law certification as to the compliance with state law of school buses and their drivers before payments are made. The superintendent shall determine the total amount of payments. The superintendent shall make such rules and regulations as necessary to gather information and evidence required for payment of transportation funds. The superintendent also must audit a minimum of ten transportation accounts annually.

Tuition Agreements

The superintendent enters into reciprocal master agreements with appropriate agencies of bordering states to provide for payment on a per pupil basis for students attending schools in bordering states.

Textbooks

Any firm, person or corporation before offering for selection any school textbook is required to 1) file the book with the superintendent with a price list, 2) file with the superintendent a surety bond of not less than $2,000. The superintendent shall provide a listing of textbooks and prices.

State Tuition Fund

The Office of Management and Budget notifies the superintendent of the amount in the fund and the superintendent then apportions such funds among the state's school districts in proportion to the number of children of school age in each district.

School Lunch

The superintendent shall establish a school lunch fund. All funds received from all sources for the purpose of providing school lunch must be placed in that fund.

The superintendent may enter into agreements with federal agencies and school boards to provide for a school lunch program. The superintendent shall prescribe rules for keeping accounts, records and making reports. He shall also cause to be conducted such audits, inspections and reviews as may be necessary to determine whether agreements and regulations are being complied with and to ensure effective administration.

Special Education

The superintendent shall establish general state policy and shall endeavor to ensure cooperative special education programs coordinating all available services. Rules and regulations shall be prescribed for the provision of services and administration of those services. The superintendent shall assist districts in the inauguration, administration and development of programs and for the certification of schools, teachers, facilities and equipment and may apply for, administer, receive and expend federal aid for which the state may be eligible.

The superintendent shall cooperatively develop and implement an interagency agreement with appropriate private or public organizations.

The superintendent shall enforce educational standards for all special education programs wholly or partly supported by the state which are not supervised by public school authorities.

The superintendent must approve all contracts for handicapped children to attend private or out-of-state public schools.

The Educational Telecommunication Council

The superintendent's representative serves as a member of this board which owns the state's public broadcasting facilities and is charged with planning and implementing a statewide telecommunications system.

Board of Higher Education Nominating Committee

The superintendent is chairman of the Board of Higher Education Nominating Committee. This committee also includes the chief justice of the State Supreme Court and the President of the NDEA. The committee provides three nominees to the Governor for selection as members of the Board of Higher Education.

Drug Free Schools

The superintendent shall implement a program of chemical abuse prevention in the schools of North Dakota. The superintendent will develop guidelines for such programs which will include, 1) community involvement, 2) assessment of services, 3) assessment of student needs, 4) coordination of activities with other agencies, 5) a plan for implementation, 6) evaluation plans, and 7) budget. The districts may apply to the superintendent for funding for such programs.

The superintendent shall also develop a plan for coordination with existing agencies and their programs.

Annexation and Reorganization

The superintendent shall direct school districts annexation, reorganization and dissolution, and shall carry out the duties imposed on the State Board of Public School Education.

School District Boundary Restructuring

The superintendent administers a program providing planning grants and supplemental payments to contiguous school districts for the purposes of restructuring school district boundaries for the purpose of increasing educational opportunities of students and the sharing of administration.

Division of Independent Study - Fargo, North Dakota

This Division operates the 8th largest public high school correspondence program in the United States and serves students from 33 states and 10 foreign countries. Required and elective courses are offered to supplement high school curricula and to provide an alternate method of earning a high school diploma.

The Division also administers the North Dakota State Film Library, rents educational 16 mm films and video tapes, and acts as a video film depository on a fee-basis for other state agencies.

The North Dakota School for the Deaf - Devils Lake, North Dakota

The North Dakota School for the Deaf is a fully accredited educational institution serving the educational needs of hearing impaired students aged 0 to 21 in North Dakota (birth - 2 through the Parent-Infant Program and 3-21 through the school program).

In addition to the school's traditional role as an educational institution, NDSD also has become a resource center on deafness, serving the needs of hearing impaired citizens statewide. Through its Outreach Program, the school has expanded consultation services, evaluation and assessment services, and off-campus educational services. Through collaborative and cooperative ventures with other agencies, the school has improved the delivery of services to hearing impaired citizens.

North Dakota School for the Blind - Grand Forks, North Dakota

The North Dakota School for the Blind is a residential school for visually impaired and multihandicapped-visually impaired school age children. The school also provides pre-vocational training, independent living and communication services to students. Any child whose visual limitation is such that he or she can benefit from the educational experience at the school may do so at no cost. Tuition, board, room, laundry, ordinary medical care, educational materials, aids, and devices are provided to parents without cost.

The North Dakota School for the Blind is also the Instructional Resource Center for all visually impaired students in public school programs. As part of the Outreach Program, large print and Braille textbooks, recorders, tapes, and other electronic reading devices are made available to visually impaired students in public schools throughout the State of North Dakota. Other services provided by the Outreach Program include educational evaluations, low vision services, and an early childhood and preschool program.

The Department of Public Instruction has contracted with Vocational Rehabilitation, a division of North Dakota Human Services, to expand vision services to a larger population of blind North Dakota citizens, including adults.

North Dakota State Library

The major goals of the North Dakota State Library are: to provide or coordinate the library services to those patrons with unique needs such as state government officials and employees, those without direct local library service, the blind and physically handicapped, and the clientele of state-supported institutions; to assist public libraries through advice and consulting services in areas such as collection development, technical services, budgeting and finances, building and facility planning, automation, and program development and evaluation; to coordinate the sharing of resources among the state's public library collections; to improve the quality of library services by providing continuing educational opportunities for librarians and public library trustees; and to equitably distribute and administer state and federal grant funds in accordance to applicable state and federal regulations.

Boards and Commissions

The Superintendent also serves as a member of the State Board of Public School Education, Vocational Education, the Board of University and School Lands, the Teachers' Fund for Retirement and the Children's Services Coordinating Committee.

Submitted by the Department of Public Instruction

COMMISSIONER OF HIGHER EDUCATION

AND

CHANCELLOR OF THE NORTH DAKOTA UNIVERSITY SYSTEM
Douglas Treadway

Qualifications for Office:

Appointed to a three-year term by the State Board of Higher Education

Must be a graduate of a reputable college or university who by training and experience is familiar with problems peculiar to higher education

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STATE BOARD OF HIGHER EDUCATION

Introduction

Publicly supported colleges and universities in North Dakota are governed by the State Board of Higher Education. The board was established in the North Dakota Constitution through the passage of an initiated measure by the people of the state in 1939. This makes the board somewhat unique when compared to most state agencies. The typical state agency is responsible to either the governor or another elected official, but the board is not directly responsible to the governor. Instead, as provided for in the Constitution, the board has ". . . full authority over the institutions under its control with the right, among its other powers, to prescribe, limit, or modify the courses offered at the several institutions." The board must, however, seek state appropriations through the budget review process of the executive and legislative branches. In analyzing the college and university budget requests, both operational and capital expenditures, the board submits its recommendations to the Director of the Budget, Office of Management and Budget.

According to the constitutional requirement, the board must consist of seven members, all of whom must be qualified electors and taxpayers of the state and residents for at least five years preceding their appointment. They are appointed by the governor, with the consent of the Senate, from a list of names selected by the unanimous action of the President of the North Dakota Educational Association, the Chief Justice of the Supreme Court, and the Superintendent of Public Instruction. Members of the board hold seven-year overlapping terms.

The Constitution also provides that the board shall employ an individual in the position of Commissioner of Higher Education. The commissioner is the chief executive officer of the board.

The State Board of Higher Education created the term North Dakota University System (NDUS) in 1990 to refer to the eight campuses and three branches under the Board's governance. The NDUS represents all postsecondary institutions supported by the state. In taking this action, the board added the title Chancellor of the North Dakota University System to the title of the Commissioner of Higher Education. The term commissioner refers to the incumbent's role as chief executive officer of the board; the term chancellor refers to the incumbent's role as chief executive officer of the campuses. The presidents of the eight campuses report to the chancellor, who reports to the board. The purposes of these changes are to promote cooperation among North Dakota's campuses, to enhance their collective efficiency and effectiveness, and to promote accountability to the people of the state.

The board has jurisdiction over all matters for the campuses, including new programs of instruction, research, and public service; the establishment of a college, school, division, or other unit; and plans for all capital improvement of facilities. The board also governs the Upper Great Plains Transportation Institute, the Agricultural Experiment Station, the Land Reclamation Research Center, the State Toxicologist, the State Forest Service, the Rehabilitation Hospital, the Cooperative Extension Service, and the Northern Crops Institute.

The chancellor's office administers a variety of financial aid programs and reciprocal agreements with postsecondary institutions in other states.

University of North Dakota

The University of North Dakota is located in Grand Forks, a city of approximately 44,000 located in the center of the Red River Valley. Approximately 12,000 students are enrolled in some 130 fields in 13 major academic units--University College (the freshman division); Colleges of Arts and Sciences, Business and Public Administration, Fine Arts, Human Resources Development and Nursing; Schools of Engineering and Mines; Law, Medicine, and the Graduate School; the Center for Aerospace Sciences and Center for Teaching and Learning; and the Division of Continuing Education.

North Dakota State University

Located in Fargo in the Red River Valley, North Dakota State University is a public university with programs that reflect its land-grant heritage in agriculture and the sciences, with programs in the arts, humanities, and social sciences. Nearly 10,000 students are enrolled in the Colleges of Agriculture, Business Administration, Engineering and Architecture, Home Economics, Humanities and Social Sciences, Science and Mathematics, Pharmacy, and University Studies; the School of Education; and the Graduate School.

Minot State University

Located in north central North Dakota, Minot State University's baccalaureate mission uniquely allies liberal arts and professional-preparation curricula in a comprehensive range of programs, each based on a strong general education component emphasizing the liberal arts and sciences. At the masters level, Minot's growing state-wide graduate mission is focused in education and human services. Minot State supports the primacy of its teaching mission with a commitment to generating and sharing new knowledge, particularly as such knowledge is focused toward two complementary ends: quality instruction in the classroom and quality of life for North Dakotans.

Dickinson State University

Dickinson State University is located in southwestern North Dakota. It offers two- and four-year programs. Its mission includes preparing professional leadership for elementary and secondary education. Present programs include the liberal arts, and specialized programs in business, health services, agriculture, and computer science.

Mayville State University

Mayville State University is located in east central North Dakota in the heart of the Red River Valley. Teacher preparation is the core of Mayville State University's mission, but the curriculum also encompasses other academic areas. A significant number of students graduate in business administration. The faculty offers baccalaureate and associate of arts degrees.

Valley City State University

Valley City State University is located 60 miles west of Fargo. The State Board of Higher Education gave Valley City State University a mandate for the superior small-college preparation of teachers and of small-business personnel for its region. In the same action, Valley City State was asked to play a state-wide role in rural education, especially in the use of instructional technology. In addition to its curricula in Education and Business, Valley City State provides a basic curriculum in the liberal arts and sciences and pre-professional studies.

Bismarck State College

Bismarck State College has enjoyed constant growth and continuous accolades for its innovative programs and practices. Bismarck State has a three-fold mission: 1) to provide academic transfer courses and programs which parallel those offered during the first two years at baccalaureate granting institutions, 2) to provide vocational and technical programs designed to prepare the learner for an immediate career in a special occupation, 3) to provide service to the community and the state of North Dakota in the form of cultural, educational, occupational, and vocational programs, courses, workshops, seminars, and institutions.

North Dakota State College of Science

North Dakota State College of Science is located in Wahpeton, approximately 60 miles south of Fargo. The Trades and Technical Divisions were organized in 1922 and since that time the college has played a leading role in promoting vocational and technical education. North Dakota State College of Science plays an important role in industrial and business development since it offers courses and programs for such business needs. Special training courses or programs can be offered to meet community or state development requests. The major curriculum divisions are Arts and Science, Business, Technical, and Trades.

North Dakota State University-Bottineau

North Dakota State University-Bottineau is located close to the International Peace Gardens and the Turtle Mountains in north central North Dakota. In addition to programs in agriculture, forestry, and horticulture, it also offers comprehensive junior college curricula. It provides specialized, technical programs in agriculture, environmental/natural resource studies, and business as well as traditional transfer courses.

University of North Dakota-Lake Region

The University of North Dakota-Lake Region is located in Devils Lake in northeastern North Dakota. It has a fifty year history of providing both vocational and academic programs for postsecondary students. The college is committed to: 1) academic transfer courses and programs, 2) vocational-technical courses and programs, and 3) continuing and life-long education.

University of North Dakota-Williston

The University of North Dakota-Williston is a two-year college that provides general pre-professional education, vocational technical education, and community services to northwestern North Dakota. Through interactive television, UND-Grand Forks offers baccalaureate programs in medical technology, nursing, and social work at UND-Williston.

Agricultural Experiment Station

The Agricultural Experiment Station of North Dakota State University, in cooperation with agricultural experiment stations in each of the other forty-nine states and the federal research, science, and education administration (USDA), acquires and provides useful information on agricultural subjects through an integrated and coordinated research program. Agricultural subjects include the production of food and fiber; the transportation, processing, and marketing of agricultural products; the conservation and use of soil and water resources; farm economics; and family living.

Cooperative Extension Division

As one of the educational divisions of North Dakota State University, the Cooperative Extension Division provides informal out-of-school education programs for North Dakotans involved in agriculture, 4-H, home economics, community development, and other related areas. Through the interpretation of the research findings of NDSU, the U.S. Department of Agriculture, and other reliable research sources, the Cooperative Extension Division prepares and presents practical and useful information that will help the people of North Dakota solve their farm, home and community problems.

State Forester

The state forester works towards the prevention and suppression of forest fires; maintains a state nursery; distributes seeds and planting stock from the state nursery; assists in educating North Dakotans on seed and planting stock; and acquires and manages state forest land.

Northern Crops Institute

The purpose of the Northern Crops Institute is to provide technical and marketing assistance through training courses and technical services in order to facilitate the domestic and market development of northern grown crops, and expand the sale of them.

Office of the State Toxicologist

The Office of the State Toxicologist is maintained in conjunction with the College of Pharmacy at North Dakota State University. Major responsibilities include assistant coroners in death investigations, and assisting physicians in determining the drug levels of patients. The state toxicologist trains law enforcement officers in the use of breath alcohol testing instruments and in the analysis of blood samples for alcohol content determinations. The state toxicologist also examines the blood samples from persons fatally injured in automobile accidents.

Upper Great Plains Transportation Institute

With its programs administered by the North Dakota State University, the Upper Great Plains Transportation Institute conducts and supervises transportation research in the area of economics, engineering, law and planning in an effort to increase the knowledge and understanding of marketing factors associated with the geographic location of North Dakota and the upper great plains.

Submitted by Higher Education

Section 4

Boards and Commissions

BOARDS AND COMMISSIONS

There are approximately 130 boards, commissions and committees in state government with varying degrees of responsibility and accountability. The following pages represent a partial listing of state government boards and commissions. They are provided to further demonstrate the decentralization of government, the division of powers within the executive branch, and to offer diverse samples of entities with major responsibilities and governing authority--some of which are unique to North Dakota government, i.e., the Bank of North Dakota and the North Dakota State Mill and Elevator Association.

The information contained in this section was developed from the "Structure of North Dakota Government," a publication of the University of North Dakota's Bureau of Governmental Affairs, and the North Dakota Century Code.

COMMISSIONS

Emergency Commission

Created by:

North Dakota Century Code, Chapter 54-16.

Composition:

The Emergency Commission consists of the Governor as chairman, the Secretary of State as secretary, and the Commissioner of Agriculture. Whenever during the biennium an allocation to any state institution or department out of the state contingency fund exceeds $10,000, the chairpersons of the house and senate appropriations' committees (or their vice-chairpersons) become commission members.

Major Duties:

The Emergency Commission has the authority to transfer money between funds or line items, or to order funds drawn from the state contingency fund in the state treasury when, in its judgment, an emergency situation exists in any board, commission, department, or agency of state government. The total of transfers from the contingency fund may not exceed five hundred thousand dollars, except in the amount authorized for transfer by the budget section of the Legislative Council. The commission is also empowered to authorize the receipt of federal monies which become available between sessions for new programs. No state agency may otherwise expend federal funds which have not been specifically appropriated by the legislative assembly.

Industrial Commission

Created by:

North Dakota Century Code, Chapter 54-17.

Composition:

The Industrial Commission consists of the Governor as chairman, the Attorney General, and the Commissioner of Agriculture. Orders of the commission become effective upon approval by a majority of its members.

Major Duties:

The commission determines the location of, and makes rules, regulations, orders, and bylaws for the management and operation of, all utilities, industries, enterprises, and business projects owned, administered, and operated by the state. The Bank of North Dakota and the State Mill and Elevator fall under this jurisdiction. Those activities operated in penal, charitable, and educational institutions are excluded from commission control.

The commission develops regulations for the conservation of North Dakota's oil and gas resources and subsurface minerals, and for coal exploration. The enforcement of the state's oil and gas conservation laws is a responsibility of the commission's regulatory division. The commission develops regulations for the storage and disposal of nuclear and other wastes in the state.

The commission regulates and issues bonds for the low income home mortgage finance program, through which the commission purchases low-interest mortgage loans made to low-income families from approved lenders.

The 1981 Legislative Assembly granted the commission the authority to issue bonds and lend the revenue from the sale of such bonds to approved lenders in order to make available funds for the establishment and rehabilitation of agricultural enterprises.

Industrial Commission--Bank of North Dakota

Created by:

North Dakota Century Code, Chapter 6-09.

Composition:

The Bank of North Dakota is operated, managed, and controlled by the Industrial Commission. Appointed and supervised by the commission, the Bank president hires such staff as dictated by the best interests of the financial institution. The Governor appoints a seven-member advisory board of directors, at least three of whom must have specified experience in banking.

Major Duties:

The bank was established to encourage and promote agriculture, commerce, and industry in the state; to provide the most efficient and economical financial service to the state, its agencies and instrumentalities; and to furnish professional assistance whenever possible for the well being and advancement of North Dakota and its citizens.

Through the only legal depository of all state funds, the bank may accept deposits from other sources. It serves as a central clearing agency for many North Dakota banks and other financial institutions. As the state's fiscal agent, the bank is authorized to make direct insured loans such as federally insured student loans, federal housing administration and veterans' administration home loans. It may participate with other financial institutions in loans made by them, may make loans to political subdivisions, and to actual farmers who are state residents.

Industrial Commission--State Mill and Elevator

Created by:

North Dakota Constitution, Article X, Sections 19 and 20. North Dakota Century Code, Chapter 54-18.

Composition:

The State Industrial Commission manages and controls the Mill and Elevator Association. To assist in the operation of the mill and elevator, the commission appoints a manager. The manager, subject to commission regulation, may employ such personnel as deemed necessary.

Major Duties:

The Mill and Elevator Association was established for the purpose of encouraging and promoting agriculture, commerce, and industry by engaging in the business of manufacturing and marketing farm products.

Water Commission, State

Created by:

North Dakota Century Code, Chapter 61-02.

Composition:

With the governor as chairman, the commission consists of the commissioner of agriculture and seven other members appointed for six-year terms by the governor. The commission appoints the state engineer to serve as secretary and chief engineer. To meet its responsibilities the commission may employ such other staff as required.

Major Duties:

The objectives of the commission are water conservation and development and flood control. To reach these goals, the commission has authority to investigate, plan, regulate, construct, and maintain all works, dams, public and private projects which in its judgment may be necessary or advisable. The commission also cooperates with federal agencies in making water facility projects available to the public; inventories both surface and ground water, and prepares and maintains a statewide master plan for future water resources development. The state engineer issues water permits under water law administration.

Water Conservation Commission--Atmospheric Resource Board
(Previously the Weather Modification Board)

Created by:

North Dakota Century Code, section 61-04.1-04

Composition:

As a division of the state water commission and under its direct supervision, the board includes the state aeronautics commission director, a representative from the health department's environmental control services division, the state engineer, and seven additional members. Appointed for four-year terms by the governor from recommendation lists made by weather modification authorities in each district, each of the seven comes from one of the state's weather modification districts. The board employs an executive director.

Major Duties:

The board establishes qualifications and procedures for issuing, revoking, and suspending weather modification licenses and permits. It also develops regulation, monitoring, and evaluation standards for weather modification operations. As authorized by law, the board may contract for weather modification with counties, the federal government, or any person, association, partnership, or corporation. The board is empowered to order the cessation of any weather modification operation in violation of law or regulation, which order is enforceable in a court of law.

The board is required to formulate a program of weather modification research and development in North Dakota, and to present a biennial report to the governor, describing the research and development activities conducted during the biennium, the board's supervision and control of them, and the outcome.

BOARDS

Historical Society

Composition:

The state historical board consists of nine members appointed by the governor for 3-year terms and seven ex-officio members: the secretary of state, state engineer, director of department of transportation, state forester, game and fish commissioner, director of state library and state treasurer. The board appoints the superintendent. The society preserves and interprets historical materials, sites, and artifacts. It administers over 50 historic areas throughout the state and operating the Heritage Center and several branch museums around the state. It also maintains a library reference collection of manuscripts, books, newspapers, maps, photographs and other documents.

Board of Higher Education

Composition:

When the people voted to amend the North Dakota Constitution in 1938, they wanted to insulate the institutions of higher education from politics. The amendment created the board of higher education, consisting of seven members. The governor appoints the members from lists of nominees made up by the president of the North Dakota Education Association, the chief justice of the supreme court, and the superintendent of public instruction. The governor's appointments are then confirmed by the senate. A member of the college faculties and a student sit with the board as non-voting participants. The board has control of all public institutions of higher learning.

State Board of Public School Education

Created by:

North Dakota Century Code, Section 15-21-17.

Composition:

The board consists of the Superintendent of Public Instruction as executive director and secretary and of one qualified elector from each of six districts in the state. The six members are appointed by the Governor and subject to senate confirmation for staggered six-year terms, from a list of three nominees for each position to be filled. This list is submitted by a committee consisting of the president of the North Dakota State's Attorneys Association, the president of the North Dakota School Administrator's Association, and the president of the North Dakota School Board's Association. At all times two members of the board must be members of the North Dakota School Board's Association.

Major Duties:

The board acts as the governing agent for the Vocational Education Division and approves curriculum for the Division of Independent Study. The board has final approval or disapproval of school consolidation, school construction loans, and high school tuition appeals.

State Board for Vocational Education

Created by:

North Dakota Century Code, Section 15-20.1-02.

Composition:

The State Board of Public School Education serves as the State Board for Vocational Education. Acting through the Superintendent of Public Instruction, the board appoints a director and executive officer for vocational education and designates other assistants as needed. The director, under the supervision of the board and the superintendent, is charged with the administration of the provisions of the law concerning vocational education.

Major Duties:

Areas of vocational education include agricultural, industrial, trade, home economics, distributive, and office occupations. In administering vocational and technical education programs, the board provides services to persons attending high school; having completed or left high school who are available for full-time study in preparation for entering the labor market; needing training or re-training to achieve stability or advancement in employment; and having academic, socio-economic, or other handicaps preventing them from succeeding in the regular vocational education process.

The board administers funds for the promotion of vocational administration provided by the federal government, makes studies and investigations relating to vocational education, and formulates plans for the place of vocational education in the state's public education system.

After determining that state requirements are met, the director and executive officer of the State Board for Vocational Education licenses all private trade, industrial, vocational, technical, business, or correspondence schools in North Dakota (NDCC, Section 15-20.2).

State Board of University and School Lands

Created by:

North Dakota Constitution, Article IX, Section 3.
North Dakota Century Code, Chapters 15-01 and 15-02.

Composition:

The Board of University and School Lands consists of the Governor, the Secretary of State, the State Auditor, the Attorney General, and the Superintendent of Public Instruction. The board appoints for a two-year term a commissioner of University and School Lands to serve as chief administrative and executive officer of the State Land Department. The commissioner appoints a deputy commissioner with board consent.

State Board of University and School Lands--Land Department

Major Duties:

As the board's administrative agency, the Land Department has general authority, direction, and control over the care, management, and disposition of all common school and institutional grant lands and the funds resulting from their lease, sale, and disposition. The board also has general supervisory authority over leasing of minerals on state-owned lands and manages certain acquired lands and sovereign lands (the beds of navigable waters).

In managing the agency's permanent trust funds, the Land Department purchases first mortgage farm loans through the Bank of North Dakota, invests in securities guaranteed by the federal government, and makes other investments authorized by law.

Abandoned Property Office (NDCC, Chapter 47-30)

The board also manages all property that comes to the state by escheat either through estate proceedings or in accordance with the North Dakota disposition of abandoned and unclaimed property act.

State Board of University and School Lands--
Energy Development Impact Office

Created by:

North Dakota Century Code, Section 57-62-04.

Composition:

The Energy Development Impact Office is headed by a director appointed by the Board of University and School Lands. The director hires other staff as necessary.

Major Duties:

After studying the resultant impact of coal development and oil and gas development of the state and its political subdivisions, the office reports and makes recommendations to the Governor and the Legislature. In addition, the office provides financial assistance through grants for services and facilities to those counties, cities, school districts, and other political subdivisions directly affected by coal development or oil and gas development. The office prepares forms and stipulates procedures to be used by grant applicants. In determining the amount of an individual grant, the office considers revenue expended by the political subdivision from taxes on the real property of coal development plants and from other tax or fund distribution formulas established by law. The office also makes recommendations to the Board of University and School Lands for loans from the coal development trust fund.

State Board of Equalization

Created by:

North Dakota Century Code, Chapter 57-13.

Composition:

Board membership consists of the Governor as chairman, the Tax Commissioner as secretary, the State Auditor, the State Treasurer, and the Commissioner of Agriculture.

Major Duties:

The State Board of Equalization is responsible for equalizing the valuation and assessment of property so that all assessments of similar taxable property are uniform and equal across the state. For tax purposes, the board determines the assessed valuation of operating properties of public utilities such as airlines, railroads, and telephone, power, and pipeline companies. The board also hears requests by new businesses for maximum five year property and/or income tax exemptions.

Section 5

Miscellaneous Information

The Influence of Special Interest Groups on the Executive Branch

Media Issues

Election of Candidates

Open Records/Meetings

THE INFLUENCE OF SPECIAL INTEREST GROUPS ON THE EXECUTIVE BRANCH

Interest groups play an important role in executive branch activities. Most citizens are aware of the fact that interest groups often lobby the legislators. That is, they contact and interact with legislators in an effort to influence them in their legislative decisions. They work to have legislators propose requested legislation, to amend or redraw legislation to conform to the interest group's interests, or to pass or kill legislation depending on how it affects an interest group's interests.

Less is known about the role that interest groups play in the executive branch and its many agencies. But that role is no less important in terms of the interaction of special constituencies with government decision-makers. The agencies implement the laws and in many cases directly impact the activities of an interest group, particularly if it is a corporate interest (like Basin Electric or Montana-Dakota Utility), or an associational interest (like the North Dakota Bankers Association or the North Dakota Independent Bankers Association). Increased regulation has led to increasing contact of interest groups with executive agencies and their heads. Interest groups provide inputs and data used by the agencies in the formulation of regulations, they appear at hearings the agency must hold to promulgate new regulations, they discuss and negotiate issues of the applicability of regulations to their activities, they often must obtain licenses or permits from the agencies to expand their activities. In some cases they become involved in an adjudication of issues of compliance with state law and regulations. The latter involvement is really the equivalent of a trial to determine whether an interest must comply with state requirements or whether an interest has violated some requirement and must be ordered to comply or be fined or otherwise sanctioned.

The regulatory umbrella, particularly in the health and environment area has broadened and interests have increasingly had to grapple mutually with agencies on a number of increasing technological and economic issues. The greatest involvement has been in terms of the industrial expansion of the energy industry in North Dakota. Basin Electric, for example, has had extensive contacts with the Public Service Commission, the State Water Commission, the Tax Commissioner, Job Service, the Department of Labor, the Economic Development Commission, the Energy Impact Office (extensive involvement), the Attorney General's office, the Industrial Commission, the Health Department, and even the Agriculture Department. For such an interest, contact and interaction at the agency level becomes as important as legislative contact.

Certain interest groups have a regular and continuing pattern of interaction with state agencies. For instance, oil and gas companies and the North Dakota Petroleum Council which is a private association has ongoing contact with the Industrial Commission and its Oil and Gas Division in regard to regulation of the oil industry and development decisions. (Delineation of fields, spacing orders, production quotas, pooling orders, restrictions on flaring of gas, exceptions to drilling rules.) The North Dakota Health Care Association and the North Dakota Hospital Association have many day-to-day issues to discuss in regard to nursing home operations and implementation of Medicare and Medicaid standards. Many of these relationships show that state government has a sensitivity for the special constituencies that operate in the state.

Since the special interests usually come under the regulatory jurisdiction of special boards and commissions (North Dakota has about 100 of them), it becomes important for the special interest to obtain representation on the board itself. In many cases this is mandated by North Dakota State Law. As noted before, there is the example of the State Health Council which includes members who were recommended to the governor for appointment by each of the major organized interests in the health field. This is the pattern for many boards or commissions. In some instances, as in the case of the Dairy Products Promotion Commission, interests group leaders such as the Presidents of the American Dairy Association and the National Dairy Council of North Dakota are made ex officio members of the Board. Even corporate representation is sometimes mandated for board membership. For instance, the State Electrical Board has five members appointed by the governor, one of whom must be a consumer member of an electric co-op and one of whom must be a representative of investor owned electric utilities.

In cases where the laws do not actually specify members of particular associations, the competition between different interest groups to get their members on these boards can be intense. For instance, the governor has only to pick six persons, one from each judicial district to the Game and Fish Advisory Board. The North Dakota Wildlife Federation, the North Dakota Sportsmen, and Ducks Unlimited all present the governor with their slate of eligibles. Similarly the North Dakota Banking Association and the North Dakota Independent Bankers submit their own slate of considerees for the North Dakota Banking Board.

Unorganized interests also are guaranteed representation on some advisory boards. For instance, the Manpower Services Council includes 28 members. Represented are several state agencies that are concerned with employment such as Job Service and Vocational Rehabilitation. Representatives of the Association of Counties and the North Dakota League of Cities are also included. Importantly, the governor is asked to appoint members representing agriculture, labor, business, veterans, older workers, the handicapped, women, Indians, low-income groups, and the general public. The recruitment system for state boards reflects a general public expectation that executive boards and commissions shall operate with input from all constituencies affected by the action of the boards.

How does this accommodation between agencies and special interests work? Some might feel that these relationships are akin to having the fox guard the henhouse. However, reports are that the relationships are productive and in the public interest. The presence of interest group representatives allows for direct communications on the needs and problems of the regulated interests and also furnishes vital expertise necessary for decision. In areas like the human service advisory boards, the education advisory boards, and the water conservation commission, the citizen members and the interest group representatives have been very professional in their approach and have operated to provide essential expertise, and control conflict to minimal levels within these institutions.

Submitted by Dr. Theodore Pédeliski, Political Science Department, University of North Dakota.

MEDIA ISSUES

What are some of the key issues confronting the media? Interpretation of the First Amendment is almost always an issue. What are some of the restrictions on reporters' First Amendment freedoms? Do the restrictions affect a reporter's ability to do his or her job? Reporters use many sources (many not mentioned by name) for their stories. Who are these sources? How do different sources--government officials, press conferences, press leaks--affect the story we read or hear?

How is "news" chosen for printing in the newspaper or airing on television or radio? Who decides what is news? Many questions arise when you begin to think about the media. The media play a very important role in the political process since most of our information about politics and issues comes from television, newspapers, magazines, or the radio. Can you think of some questions for the media speaker?

"Congress shall make no law respecting an establishment of religion or prohibiting the exercise thereof; or abridging the freedom of speech, or of the press; or of the right of the people peaceably to assemble, and to petition the government for a redress of grievances."

The First Amendment could not have been clearer in its wording. Our Founding Fathers believed that no nation could be truly free unless its citizens enjoyed access to information and the right to speak out about their government. They also recognized that no democracy could function properly unless its citizens were sufficiently informed to make educated selections at the ballot box.

When the First Amendment was written, "the press" referred to the print media alone. Today, the press includes all forms of media, including television and radio. With the expansion in scope of the media has come a growth in its political role and influence. Today, we are dependent on the media for virtually everything we know about the workings of government and the nature of our political candidates.

Dependent as we are upon information provided by the media, it is critical that journalists adhere to high standards of honesty and objectivity. Of course no one can be completely objective, so it is important to realize the ways in which journalists may be affected by their own biases or the limitations of the information that they have to work with. And it is important to remember that most of our news comes to us through commercial media who entertain as often as they inform.

As you participate in this session, ask yourself why it was that the Founding Fathers were so concerned about freedom of the press and whether there are any circumstances that warrant limiting that freedom. Consider, too, how the insight into the profession of journalism might help you to become a more educated consumer of news.

Key Questions

1. Should the press merely report the news or interpret it? Why?

2. Give examples of how the adversary relationship between the government and the press benefits citizens. Give examples of how that relationship harms citizens.

3. Should a reporter be forced by the law to reveal confidential news sources in a criminal trial? Why or why not?

4. How powerful is the news media in this country? Do you feel it is too powerful? Not powerful enough? Give examples to back up your answer.

5. Does the public have an absolute right to know about government activities?

6. How influential are newspaper editorials?

7. Do the news media create news? Explain what makes an event newsworthy?

Dr. Sanstead presents Darrell Dorgan of Prairie Public Television with an award of appreciation

RHODE ISLAND BOOK, Rhode Island Department of Education, 1980.

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NOTES

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And a special thanks to the staff of the
DEPARTMENT OF PUBLIC INSTRUCTION'S
Information Processing Center for their
excellent work in preparing the
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